REAL WESTERN

JUNE

LEE FLOREN'S
Latest Novel
GUNS OF
POST-HOLE
VALLEY

FREE OFFER for USERS of FALSE TEETH STAYS TIGHT NOW

JIM WON'T EAT OUT BECAUSE HE LOSES HIS FALSE TEETH
BOB NEVER HAS PLATE TROUBLE
RUTH SAYS BOB NEVER HAS PLATE TROUBLE
I'LL ASK HIM FOR HIS SECRET
BOB, HOW DO YOU KEEP YOUR PLATE FROM SLIPPING?
CINCH! A SQUEEZE OF CROWN RELINER KEEPS 'EM TIGHT

TIGHT—OR NO COST!

Here's new amazing mouth comfort without risking a single cent . . . enjoy that feeling of having your own teeth again. Its efficaciousness is attested to by hundreds of users who enthusiastically praise Crown Plate Reliner . . . you, too, will join this happy army if you will just try Crown once. Satisfy your desire for food . . . eat what you want . . . yes, comfortably eat foods you have been deprived of such as steak, corn, apples, etc. Use Crown Plate Reliner and again make eating a pleasure. Remember Crown Reliner tightens false teeth or no cost. Perfect for partials, lowers and uppers.

NOT A POWDER OR PASTE CROWN PLATE RELINER is easy to use.

Don't suffer embarrassment and discomfort caused by loose dental plates. Apply CROWN RELINER. In a jiffy your plate fits like new and stays that way up to 4 months. No old-fashioned heating to burn your mouth. Just squeeze CROWN from tube and put your teeth back in. They'll fit as snugly as ever. Inventor is a recognized authority in dental field. A patent has been applied for CROWN RELINER to protect you from imitators. After you reline your plate with CROWN, take your false teeth out for cleaning without affecting the CROWN RELINER. CROWN RELINER is guaranteed . . . It's harmless. NOT A POWDER OR PASTE! DOES NOT BURN OR IRRITATE. If not satisfied, even after 4 months, return partly used tube for full refund . CROWN is a scientific discovery that you use without fuss or bother. Just squeeze it out of the tube onto the plate and in a jiffy your plate will again feel as tight and comfortable as it did when it was new. Order today and enjoy this new oral comfort right away.

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J. Clements of Algonac writes: "My plates were so bad they rattled when I talked. Now I can eat steaks, corn on the cob." E. W. W. of Virginia writes: "I have found Crown Reliner all you claim for it and more." . . . Many more attest to same excellent results. Reline your plates with CROWN. It's tasteless. Has that natural pink color. Order a tube of CROWN RELINER today . . . enough to last a year.

HERE'S OUR FREE OFFER!

CROWN offers you a two-way protection for your plates. Order CROWN RELINER and receive FREE with your order CROWN DENTAL PLATE CLEANER. The DENTAL PLATE CLEANER is easy to use and restores that new freshness to your plates to help keep your mouth clean and germ-free. CROWN CLEANER eliminates without brushing foods that collect in plate corners and crevices. Helps protect plates because no brushing is necessary and therefore the danger of scratching is avoided. You will enjoy the feeling that your breath is sweet and is not "false-teeth offensive". Order today and get your CROWN CLEANER FREE with the CROWN DENTAL PLATE RELINER . . . remember you don't risk a single cent. You must be 100% satisfied, or your money back.

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At Your Druggist or Order Direct

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CROWN PLATE RELINER is tasteless and odorless.

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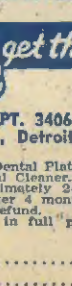
2. Step No. 2 — DRY WELL UNDER ELECTRIC BULB

3. Step No. 3—SQUEEZE CROWN RELINER FROM TUBE, SPREAD EVENLY, PUT PLATE BACK IN MOUTH.

Order this get this FREE



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4358 W. Philadelphia Ave., Detroit 4, Mich.

Send your wonderful Crown Dental Plate Reliner and include the FREE Crown Dental Cleaner. I will pay postman one dollar plus approximately 24c postage on arrival. If I am not satisfied after 4 months, I may return partly used tube for full refund.
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The SERVICE LIFE INSURANCE CO.
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CITY.....STATE.....

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REAL WESTERN

ALL STORIES COMPLETE

Volume 12 **June, 1946** **Number 7**

COMPLETE "Judge Bates" NOVEL

GUNS OF POST-HOLE VALLEY ..... By Lee Floren 10

Young Nero Bucklin was doing a good job running Judge Bates' and Tobacco Jones' sheep ranch out in Post-Hole Valley, but Bates could read the smell of gunsmoke between the lines of Bucklin's reports. And when the two partners saddled up and took a pasear out to the Valley, they found the Bates' instincts had been right; for not only was there gunsmoke trouble, but Bucklin was up against as slick a clique of crooked lawyers as Judge Bates had ever met!

SHORT STORIES

VIRGINIA CITY ..... By T. N. Durosko 79

A true story that is stranger than fiction.

MAKE-BELIEVE SHERIFF OF PINTO COUNTY .... By Ray Hayton 84

Making Les Thompson sheriff was just a joke, but Thompson took it seriously!

JIM BECKWITH—BUCKSKIN PIONEER ..... By Lee Thomas 89

A true story of one of the old west's most colorful figures.

CHEER THE WEARY TRAVELLER ..... By Dan Kirby 93

John McCumber found he'd have to make his own welcome when he came home from the War between the States, for there was no one to cheer him — no one but false friends and open enemies!

Robert W. Lowndes, Editor

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I will send you my Lesson, "Getting Acquainted With Receiver Servicing," FREE, to show you how practical it is to learn Radio at home in spare time. It's a valuable Lesson. Study it—keep it—use it—without obligation! Tells how "Superhet" Circuits work, gives hints on Receiver Servicing, Locating Defects, Repair of Loudspeaker, I. F. Transformer, Gang Tuning Condenser, etc., 31 illustrations. And with this lesson I'll send my 64-page book, "Win Rich Rewards in Radio" FREE. It describes many fascinating jobs Radio offers, tells how N. R. I. gives you practical Radio experience at home with SIX BIG KITS OF RADIO PARTS I send!

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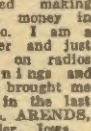

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The day you enroll I start sending EXTRA MONEY JOB SHEETS to help you make EXTRA money fixing Radios in spare time while learning. You LEARN Radio principles from my easy-to-grasp Lessons — PRACTICE what you learn by building real Radio Circuits with Radio parts I send — USE your knowledge to make EXTRA money in spare time.

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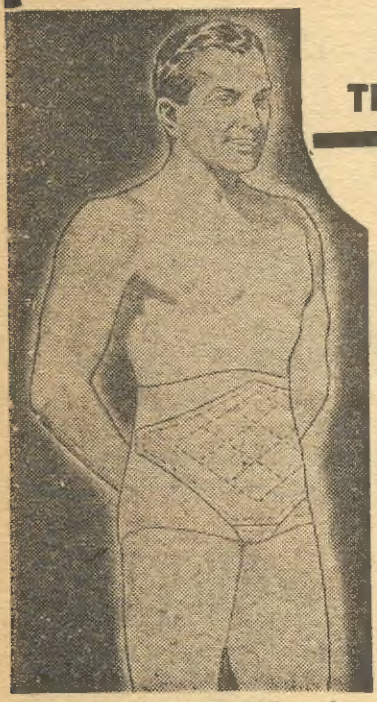
( ) If you are a war veteran, check here.

THOUSANDS of MEN NOW

Appear SLIMMER — *Feel* BETTER — *Look* YOUNGER

with Commander

The Amazing NEW Abdominal Supporter



MAKE THIS TEST WITH YOUR OWN HANDS AND FEEL WHAT WE MEAN

Yes, instantly you, too, can begin to feel ALIVE . . . ON TOP OF THE WORLD by joining the Parade of Men who are marching up the highway of happier living with the COMMANDER, the amazing new Men's abdominal supporter.

GET "IN SHAPE" INSTANTLY AND ENJOY A HAPPY STREAMLINED APPEARANCE
The COMMANDER presents the exclusively designed "INTERLOCKING HANDS" principle for extra double support where you need it most. It flattens the burdensome sagging "corporation" and restores to the body the zestful invigorating feeling that comes with firm, sure "bay window" control. Order this new belt today and begin enjoying the pleasure of feeling "in shape" at once.

BREATHE EASIER—TAKE WEIGHT OFF TIRED FEET
The helpful uplifting EXTRA SUPPORTING power of the COMMANDER firmly supports abdominal sag. The instant you pull on the belt you breathe easier . . . your wind is longer . . . you feel better!

YOUR BACK IS BRACED—YOUR CLOTHES FIT BETTER—YOU APPEAR TALLER
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COMMANDER IS NEW AND MODERN!
The absence of gouging steel ribs, dangling buckles and bothersome laces will prove a joy. COMMANDER has a real man's jock type pouch. IT GIVES GENUINE MALE PROTECTION. Try this amazing new belt with full confidence . . . and at our risk. SEND FOR IT NOW!

*THE SECRET OF THE "INTERLOCKING HANDS"

Only COMMANDER contains this NEW principle. A porous non-stretch material is built into the Special stretch body of the COMMANDER . . . in the outline of two interlocking hands for EXTRA DOUBLE SUPPORT where you need it most. NO BUCKLES, LACES OR STRAPS.

Commander Wearers all over America Say—

"I am sure you will be pleased to know that it is by far the best and most practical supporter I have ever had. I have been pleased to show it to several of my friends and they are likewise impressed with it. You shall probably hear from some of them in the future."
Dr. A. M. S.
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"Enclosed find order for another belt. I wouldn't be without this supporter for ten times what it costs."
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"Received the Commander about a week ago. To say that I am well pleased with it would be putting it mildly—I can see that it fills a long felt want, giving the needed support and a most comfortable feeling. I never miss putting it on the first thing in the morning. Enclosed is my check for another."
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Fort Knox, Ky.

Above are just a few of the many unsolicited testimonials for the Commander that we receive regularly. Originals of these and others are on file.

SEND FOR IT TODAY—USE THIS COUPON

10 DAY FREE TRIAL
SEND NO MONEY

Wear COMMANDER ten days FREE. If it fails to do all we say, send it back and the purchase price will be promptly refunded.

ONLY **$2.98**

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INTRODUCTORY TEN DAY FREE TRIAL OFFER

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Send me the "COMMANDER" for ten days Free Trial. I will pay postman the special price of $2.98 plus postage. If not satisfied after wearing it ten days I may return it and the purchase price will be promptly refunded.

My waist measure.....My height is.....
(Send string the size of waist if measuring tape is not available.)

NAME .....

ADDRESS .....

CITY..... STATE.....

☐ Check here if you enclose $2.98 with this order and we will pay postage charges. The same refund offer holds.

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If YOU were Boss would YOU promote "YOU"?

Be honest now—

suppose that a better job had opened up in your company—carrying with it promotion and more money—could you qualify?

If you were boss, would you select "YOU" for that better job?

Consider before you answer.

First of all, could you *fill* the job? Has your experience fitted you for the step forward—have you been preparing for promotion apart from experience gained on the job?

Or have you just been filling a niche, doing daily tasks well but making no real and intelligent effort to learn and qualify for the job ahead so that if an opening should occur you would be ready to fill it?

The man who gets real promotion is the one who makes his own breaks—the man who slaves in the ordinary job at low pay just wishes and dreams of promotion and more money. Which are you?

Business is always willing to pay the man who knows—and pay him well. The man who is ready and willing to take responsibilities—and capable of directing the efforts of other men is a valuable asset to any business organization. He never wants for a good job and above average earnings. He gets ahead.

We have helped thousands of men achieve promotion and more money—success sometimes beyond their dreams—a success that was started by a coupon similar to the one below.

Get out of that rut—don't be satisfied with a mediocre job at small pay—be a success in business—this coupon may be your first step.

So send it today—right now—tomorrow never comes for the man who consistently puts things off.

La Salle Extension University

A Correspondence Institution

Dept. 672-H **417 S. Dearborn, Chicago 5**

If you can help me get the ability and knowledge for real promotion, I want to know it. Please send me your free 48 page booklet telling how I can succeed in the field I have checked below. I understand you will send this without obligation to me.

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What a drink! . . . the richest, mellowest wine you've ever tasted. High alcoholic content, yet so delicate and smooth you'll kick yourself for what you've been missing all these years in real wine enjoyment . . . and — think of it — at only a few pennies a quart. What a treat for your friends. All you do is follow a centuries' old secret formula of the Old World Monastery Monks who were truly master wine makers. Without long waiting, you'll have a supply of the finest wine ever. No fuss. No bother. Ingredients can be purchased anywhere. Your Government permits you to make up to 200 gallons of wine a year — tax free — for your own use. For easy detailed directions, simply fill in the coupon, attach $1.00, cash or money order, and mail off at once. It will be the best $1.00 investment you ever made.

Only 25¢ A GALLON

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Squeezing your skin to force out your pimples or blackheads may be injurious; leaving your skin with unsightly, embarrassing blemishes. Now, there is an easy, safe, harmless way that helps you rid your face of ugly, offensive, externally-caused skin troubles. *You merely follow a doctor's simple directions.*

You, or almost any man, can easily have a natural, healthy, normal complexion, free from externally-caused skin troubles, by just giving your skin the special care that handsome screen stars give theirs. It's really very simple—as easy as washing your face. The whole secret is in washing your face in a way that thoroughly cleanses the pores of your skin of every last speck of dirt and grime that often get deep into the pores and may frequently cause you skin troubles. Ordinary washing with ordinary soaps may not do this. You should use a highly-concentrated soap like VIDERM SKIN CLEANSER that penetrates the pores and acts as an antiseptic. When followed by a quick application of VIDERM MEDICATED SKIN CREAM, specks of irritating dirt and grime are quickly washed out, dissolve and disappear, leaving your skin clean, clear and free from things that often cause pimples, blackheads, and other externally-caused skin troubles.

It doesn't pay to risk marred skin, blotches, blemishes. Your very success in business, love and social life may depend upon your looks. *Handsomeness and a good appearance usually start with the condition of your skin.* Nobody likes a skin that looks unhealthy, unclean, abused, and marked with blackheads or pimples. WOMEN ARE ATTRACTED TO MEN WHO HAVE SMOOTH, CLEAR, ROBUST-LOOKING SKIN. Business executives don't choose men who have a poor-looking complexion. Don't take chances with your success in life when this inexpensive VIDERM formula may help you. *Don't murder your skin!* Here's all you have to do to keep smooth, clear skin. Use VIDERM SKIN CLEANSER when you wash your face. Rub the rich lather of this highly-concentrated soap on your face for just a few seconds and then rinse it off. Apply a little VIDERM MEDICATED SKIN CREAM and that's all there is to it. VIDERM MEDICATED SKIN CREAM quickly disappears, leaving your skin nice and smooth. This simple treatment used after shaving helps heal tiny nicks and cuts, relieves razor-burn and smarting besides conditioning your skin.

Stop worrying and being embarrassed over what may happen to your skin. Just mail your coupon for your VIDERM DOUBLE TREATMENT this minute, and be confident that you will keep a smooth and clear complexion. Follow the simple directions (written by a doctor) that you will get with your VIDERM DOUBLE TREATMENT; then look in your mirror and listen to your friends tell you that you have the smooth, clear skin — the kind that women go for.

Just mail your name and address to

The New York Skin Laboratory, 206 Division Street, Dept. 406 New York City 2, New York. By return mail you will receive both of the Viderm formulas, with full directions for using Viderm Skin Cleanser and Viderm Fortified Medicated Skin Cream. The doctor's directions and both jars are packed in a sealed carton, safety sealed. On delivery, pay two dollars plus postage. If you wish, you can save the postage fee by mailing your two dollars with your letter.

Women don't like a messy-looking skin. Success in Romance, Business and Socially comes easier if you have a clear, smooth skin. It helps you every minute to more pleasure and success.

If you are in any way dissatisfied, your money will be cheerfully refunded. Both of the formulas you use have been fully tested and proven, and are reliable for you. If they don't help you your treatments cost you nothing. After you have received your Viderm, if you have any questions to ask concerning abused skin, just send them in.

GUNS OF POST-HOLE VALLEY

A "Judge Bates" Novel

By LEE FLOREN

Judge Bates and Tobacco Jones suspected that their protege, young Nero Bucklin, was having trouble out in Post-Hole Valley, on the partners' sheep ranch. And when the crusty old pair arrived to find Judge Cinchring Thomas running the law, they had no doubts about what was up!

CHAPTER I

DUE TO many years spent on the judicial bench, Judge Lemanuel Bates had developed a sixth sense. He could detect conflict where there were no visible signs of trouble. And the recent letter he and his lanky partner, homely Tobacco Jones, had received from young Nero Bucklin had suddenly

Bates' gun came down on the man's skull.

brought to bright life this odd ability of the judge.

Three years before, the elderly partners had procured legal ownership of a northern Wyoming sheep ranch. Bates had dispatched young Nero, who had been assistant foreman on one of their cow outfits, up north to Post Hole valley to run this spread, making his headquarters at Latigo City, trading center for the valley.

The partners' logic on this point had coincided nicely, and the judge had summed the matter up with a few words that ran straight to the point. "Young Nero never has been off his home range, Tobacco." The jurist had taken a long drag from his ever-present jug. "He's sort of a wild young one—we've had to bail him out of jail twice, and we've had him cleared of his charges—"

"But, Judge, he only—"

The jurist interrupted. "I know what you are going to say, my friend. But you must remember this—even though they were small misdemeanors: getting drunk and riding his horse through the Slow Elk saloon, beating up on a tinhorn gambler for some alleged underhand card dealing—you must remember that the criminal starts with small things, and then works up. How old is young Nero?"

"Twenty, I guess." Tobacco spat into the handy spittoon. "You an' me has raised so many young fellows, Judge, that it's hard to keep track of them. By hades, I wish we'd never got hold of this sheep spread; but we got it now and we might just as well run it right. Where abouts is this Post Hole Valley, anyway?"

"Up north and to the east. According to what I've read and studied, it runs about three hundred miles from here, and it's in the Powder River country—Latigo City is right almost on the Montana-Wyoming line." The jurist left his chair, ponderous bulk heavy in his baggy blue suit, and paced the floor. "No, young Nero Bucklin has the stuff, Tobacco. Came from good stock—remember his daddy and mother? Finest man in the world, Hank Bucklin, but he had the liquor habit, and it put him under. And Sary Bucklin . . . ah, a fine, lovely woman. Broken because of her husband's low habits, but she held her fine head high until Time caught up with her, and put her under the Wyoming sod. Nero Bucklin rides north, this week."

"You're turnin' a fine sheep outfit over to an unshaved button, judge."

"Button, hell!" snorted the fiery jurist. "Here it is, 1900. The century has turned, and a great era of progress is ahead. I was only twenty when the Civil War ended, and I wore eagles. Custer was only twenty odd, and he was a general. Responsibility makes men, good men."

"But a kid," declared Tobacco Jones. He bit off a chew of Star, pushed it into his cheek with his tongue. "And what does he know about sheep? He's been in a saddle and punchin' cows, not on foot with a sheep hook! Yet you crave to turn over a fifty thousand dollar outfit for him to play with!"

Judge Bates studied his partner's homely face. "What did you know about a postoffice when you got that appointment years ago from President Arthur?"

Tobacco chewed, scowled. "All right," he finally conceded, "you win, Bates. But—" He lifted a long, ink-stained finger in warning. "—if this button fails, then I lay the entire blame of the proceedings upon your shoulders, so help me I will."

The obese man of the bench found a small smile. "You've told me that for years, friend. Each time we have a combined verdict to render you come up with this out for yourself." He was thoughtful momentarily, his heavy face sunk in ponderous thought. He was a legal man—he had been trained to think constructively and concretely; he checked their decision now, and finally came to the conclusion that they had placed a good man in charge, a man who would take hold and build and have enough of the dreamer inside him to give the reactionary a certain sureness.

THE JUDGE'S verdict had proven right. Now and then word came to them from young Nero Bucklin: a brief letter scrawled in a wobbly hand the first year, stating how things were—the second year a feminine hand, moving in fine thin lines, had written the reports, making a clear, clean statement of things . . . and Judge Lemanuel Bates had chuckled deep in his thick chest and showed the letter to Tobacco, who chewed and smiled and spat to hide his happiness.

"Danged kid, done got hooked up, huh? Says he's got the best girl in the world, Judge, but I reckon most everybody says that onct in his life."

"You never have," corrected the jurist.

Tobacco shifted his cud and glared at him. "Now who the hell are you to judge a man's matrimonial status, past or present? Don't ever occur to me that I've ever heard of you gettin' hitched?"

Judge Bates shifted, smiled. "You win there, partner," he declared.

Another item did much to show the able management of the Square Butte sheep ranch, home office in Latigo City, Wyoming. This was the yearly report mailed to the elderly partners from the Cheyenne, Wyoming, bank: and this report was the financial statement of the Square Butte sheep ranch.

The first one showed a small profit. There had been some fence to put up, some new buildings to erect, some new sheepsheds to build. And the payroll, too, had leaped quite a bit: some of the herders had their wages raised to over that of a top-hand cowpuncher, and some new herders were added. There had been new equipment purchased, too: seven new sheepwagons, some mowers and hayrakes and hay equipment, harnesses and wagons and three new disk plows. The judge had studied the latter item with great interest and finally handed the statement to his partner who regarded it with serious face. The jurist had waited until the postmaster had completed his minute study.

"If you was as slow reading off names on envelopes, as you were going through that report, nobody'd ever get his mail in this burg of Cowtrail, Tobacco."

Tobacco Jones let that ride. His gnarled forefinger stopped, studied an item. "Disk plows?"

"Yes."

Tobacco looked up. "What are they, judge?"

"When you want to know something," grumbled Judge Bates goodnaturedly, "you always come to me. . . . Well, for your enlightenment and to further your limited education, I'll assure you that a disk plow runs with disks, instead of a mouldboard. The disks turn and cut the earth and are easier to pull than the ordinary plow due to the fact they cut the soil instead of tear it apart."

"Somethin' new, huh?"

"Not new, no. You can find use of the disk as a plow way back in history. But a new item on Western range, it is true."

"He's up to the minute," said Tobacco slowly. "Maybe we picked the right man, we did."

"Where do you get this *we*? If I remember correctly, you had some misgivings regarding the qualifications of young Nero to run the Square Butte ranch."

"I'll take that back."

THE SECOND financial statement had shown a decided profit put to the old partners' account in Cheyenne. Nero Bucklin had spent very little for equipment as he had purchased most of that the year before and the demand for sheep—both for mutton and wool—had been brisk. Again Tobacco Jones scowled as he studied one item.

"Now what?" asked the judge.

"Wages are gettin' awful high on the Square Butte ranch. Look, some of these herders draw more money than some cowhands—yeah, some top bronc-kickers for the big outfits."

"Look at that profit," said the judge.

"I don't foller you."

"When you get good men—and Nero Bucklin evidently has good herders and camp-tenders—you've got to pay them high wages to keep them contented and to hold them. Nero has got good brains, Tobacco. He pays high wages, gets good men, and the ranch shows a profit. From now on, unknown to Nero, we're cutting him back at least fifty per cent of his profits, and some day, when his bank account gets big enough, we'll sell him the outfit and give him the bank account back as a present."

"What will *we* do in our old age?"

Judge Bates studied his lanky partner. "You're just putting that on, aren't you? You don't mean that? We better get rid of some of this money, and this property, soon—within the next ten years. I'm fifty-five and you're like an old woman—or a young one—you won't tell your age. It's time we settled back and made some young people happy."

"We got too much property," said Tobacco.

Judge Bates had tapped the statement with his big thumb. "This young man is doing wonderful. He's

built the outfit up and acquired a wife in the process. He is settling down to become a solid citizen and he'll never appear in any judge's court on a charge. Look at that handwriting, Tobacco. His wife is an educated person—note how she spells the word 'government' with the *n* in it—she is clean and neat and well appearing—note the neatness, the conciseness, of that letter. No, we'll just sit back and wait for one thing, partner."

"And that?"

"Someday, not too long off, we'll get one of these letters—and on it will be a small thumbmark. . . a grimy mark, no doubt, but all healthy babies get into dirt now and then."

"What do you know about babies?" demanded Tobacco.

THAT year—the third—there were not so many letters from Latigo City, up on Post Hole Valley range, and both of the partners listed this to increased activity in the northern section of the new state of Wyoming. For sheep markets were booming with wool going to the New England mills and to England for processing and mutton going to slaughter houses and to be canned for distribution all over the world. But yet, the letters were too far apart and too brief, and Judge Lemanuel Bates found his sixth sense whispering to him. And when the letter from the north, postmarked Latigo City, and the financial statement from Cheyenne, arrived by accident on the same date in Tobacco Jones' postoffice, the judge's sixth sense turned out to be correct.

They had opened them both in Tobacco's office. The letter had been brief, short—things were all right on the Square Butte ranch—and, instead of a tiny thumbmark in one corner was a stained, wide spot. The jurist studied this, holding it up to the light as he peered through his spectacles.

He handed the letter to Tobacco Jones, who had just finished with the financial statement. A cursory glance told his legal eye that a very small profit had been taken from the Square Butte sheep ranch. New names and new wages had been added to the payroll—and those wages were very, very high.

Tobacco Jones murmured, "A tear stain, Judge, a tear stain on a tightly written, concise letter—one on which a man has to read between the lines. . . And those wages—and those new hirelings—that speaks of gunmen wages, Judge."

Judge Bates' thick face was solemn. "That's my diagnosis, Tobacco."

The dog-faced postmaster's sunken eyes were heavy with unspoken reflection. "I could get Mrs. Crumm to run my office while we took the trip, Judge. She wants to step in here when— and if—I ever go out. . . And you haven't a court case until around December, have you?"

"You got plenty of eating tobacco?"

"Yeah, and I'll get more."

The jurist shook his jug and accurately gauged its contents. "I'll load this up and we'll take rifles, our shotguns, and our .45s. Meet me at the livery inside of ten minutes because I'll have to tell my housekeeper I'm going."

They did not pack supplies. They ate at various ranch-houses and traded horses and would pick up their original mounts on the trip back. The late September sun was warm and it shone across the undulant land of sagebrush and greasewood marked by bunches of buffalo grass. Cattle were fat and so were the sheep, but when they neared Latigo City they saw very few signs of cattle—only bands of sheep that ranged across the brown hills, moving like a grey cloud across the land.

They crossed the Wind river and came out on the long plateau that ran north and east to the junction of Montana, Wyoming, and South Dakota. Gradually the terrain lifted and buttes rose to the north and the purple tips of the Black Hills could be seen to the east. Again the country grew rougher, marked by declivities and cutbanks. Finally Post Hole Valley lay below them, a strip running north and south for twenty miles, and about five miles wide at its best. Gaunt hills flanked it and watched

over it in somnolent silence built by centuries of watchful guardianship.

"Nice land," murmured the jurist.

"Hay meadows down there," grunted Tobacco Jones. "Evidently dam up Post Hole crick, as Nero said in his letters, and use the waters to irrigate the bluejoint and alfalfa grasslands. Yonder across the valley is Square Butte, I reckon, and at its base should be Nero and his missus."

Judge Bates adjusted his field-glasses and trained them on the butte, still ten miles away and beyond the lazy-looking town of Latigo City, curled there on a bend in Post Hole Creek. He held them for some time and put them down. "Looks like a mite nice spread," he said.

Tobacco put his horse on the downhill trail leading into the valley. The judge came in behind. They had acquired another horse a few miles back in the badlands. The judge was leading the brute by his hackamore rope.

And tied across the horse's saddle was a dead man.

CHAPTER II

THEY came down off the rimrock, their animals sliding in the loose shale on the steep slants. And Judge Lemanuel Bates, sunken deep between rim and fork, gave way to deep musings. He did not like sheep. Neither, for that matter, did Tobacco Jones. But sheep definitely had their place on this Wyoming range, particularly in this northern section of the State.

Years before, when the Indian was being corraled, this range had turned into cattle country. But the feed got short in the fall, due to the lack of rainfall, and cattle got gaunt. This gauntness, coupled with hard, severe winters, had wiped out entire cattle outfits, leaving rotten, bloated carcasses dotting the rangelands after the spring thaw came.

In those days, though, the cowmen did not feed their cattle. Most of the cattlemen were Southern men, coming from Texas and Oklahoma and the territories of New Mexico and Arizona, where they did not have to feed in the winter because there was no snow.

Therefore their stock died because cattle were left to shift for themselves during the winter, to ferret out some kind of a living on the higher reaches where the wind blew the grass roots free from snow. And they died by the thousands, the hundreds of thousands.

Then sheep had come in.

Sheepmen were, for the most part, careful, shrewd men. They had none of the hell-for-leather, devil-behanged atmosphere of the cowman and his punchers. And a sheep, being able to nibble close to the grass roots, can stay fat where a cow or horse will starve.

Sheepmen dammed up creeks. Using the run-off in the spring as storage, they built irrigation systems, irrigating the bottom lands and planting alfalfa and timothy and clover. Some of the land, where the natural buffalo grass and bluejoint were thick, was allowed to remain in sod.

Below him, as he rode down the slope, the judge could see the stringwork of irrigation ditches, flanking the rim of the hills. From these came side-ditches that brought the life-giving muddy water down on fields and kept them green and growing. He swung his gaze to the north. Evidently, there in the hills, was a dam—and this stored up snow water in the spring, holding it impounded for summer use.

Now that the sheepmen had built their irrigation systems, cowmen were trying to crowd back in, to take over lands they had vacated as worthless because of their shortsighted policy.

Below them, on a large flat, the judge saw a sheep-wagon, its white canvas top reflecting the sunlight. Beyond it, grazing along the plateau, he could see the sheep, and, although he was no expert on woolies, still the jurist estimated this as a big herd. When they came closer, he saw the herder in the rocks. He was sitting in the shade, a rifle across his knees, and his three dogs lying around him. One of the dogs saw the judge and Tobacco and set up a hurried barking.

The herder got to his feet and hollered, "Olllyheeee! Ooollyhee!" The cry ran out along the rocks.

Judge Bates pulled up sharp. He said, "Tobacco, that herder is signaling to somebody we can't see—he must have a guard out and he wants to warn him we are coming."

"What'll we do, Judge?"

The jurist shifted weight in saddle. "Just sit here, I reckon, and see what is what." He scowled and rubbed his heavy jaw. "We got to play this thing close to our chests, friend, and see our ground before we walk in. Just keep things to yourself and we'll see what."

TWENTY feet away, a man came out of the buckbrush on foot, a rifle seemingly nonchalantly under his left arm. He was a big, rollicking man with faded Levis, and he walked with the stubborn gait of the horseman on foot. He packed two shortguns, both thonged low on his husky thighs.

"Packed and ready for trouble," murmured the judge.

The herder was coming toward them, trotting, with his dogs barking ahead of him. He was a dark, savage-looking man. He had his rifle and in his belt was jabbed a long, slim hunting knife.

"Where Carl?" the herder asked of the gunman. Judge Bates noticed he spoke with an accent and wondered if he were not a Basque. They followed sheep.

"On the other side of the ridge." The gunman gestured abruptly with his head, his eyes still on the judge and Tobacco. "He's on guard there." He spoke to the judge. "Who are you two gents and where are you headin'?"

"To Latigo City."

"Who are you?"

Judge Bates lifted his massive shoulders, let them drop. "Two drifters," he murmured. "I take it this is government range. . . free range?"

"You're takin' it wrong," corrected the gun-thrower. "No range is free in Post Hole Valley, mister. It's bought with gunsmoke and guts and blood. You two ain't Brackett hands, are you?"

"Brackett, who's he?"

The gimlet-like eyes bored into them. Then a thin smile tugged at bearded lips. But back of them lurked a tinge of doubt. "Don't like the looks of you two fellows," the man finally admitted. "But if you come to run some Square Butte sheep off'n the cutbanks, you wouldn't rid up plain thisaway—you'd a-done like the rest of them Brackett hands. You'd a-sneaked through the brush on a dark night."

"We're just riding north," assured the judge. "Post Hole Valley got between us and where we were heading, so we had to ride across it. You figure maybe, sir, that we should swing east and ride around the valley, not through it?" He acted as though he asked the question out of ignorance.

The gunman said to the herder, "Keep your rifle on them, Tony," and he went to the man who lay dead across the horse led by Judge Bates. The man was tied hand and foot to the cinch rings, jackknifed across his saddle. The man lifted his head by the hair and looked inquiringly down at the pocked, ugly face with the rolling, protruding eyes. He stood like that for some time, studying the dead man with a cold impersonal stare, then he let the head drop. He looked up at Judge Bates, rubbing his hand against his chaps as though to free it from the touch of the dead man's hair.

"You kill him?"

"No."

"Where did you get him?"

"Found him back on the rimrock. He was dead. His horse was grazing nearby and we loaded him on and tied him, intending to take him to the sheriff down in Latigo City. There is a sheriff there, isn't there?"

"Yeah."

"Who is this man?" asked Bates, indicating the corpse.

"Brackett gunhand. Went under the name of Curly Jesster. Maybe he had a different name once. Seems to me I met him down in New Mexico in the Long Grass war, and he was

called Curly Stephens there. Well, they won't call him anything any longer, I reckon."

"Brackett run sheep?" asked Tobacco Jones.

The man regarded him steadily. "No, he runs cattle. Brands the Bar T on the right ribs. You fellows sure you found him dead?"

"Why would we kill him?" asked the judge.

THE gunman considered that. "No, can't see no apparent reason for such a move. But you might get some trouble when Mart Brackett sees you with him. He might figure you really did kill him."

Judge Bates rolled that situation in his mind. But, he decided, only two idiots would kill a man's hired gunhand, then be so ignorant as deliver the body to him. No, their best out was to maintain that they had found the dead man, and decided to take him into Latigo City for the law.

"We'll chance that."

The gunman regarded their rifles, sawed-off shotguns, and their side arms. "You boys are loaded for bear." His eyes fell on the jurist's jug and his tongue sneaked out to wet his cracked lips. "What you got in that jug, fat man?"

"Ice water."

The man's eyes narrowed suspiciously. "You couldn't cram no ice down that small jug spout," he said. "And besides, there ain't no ice around here in miles, this time of the year. How about samplin' your wares?"

The judge obligingly untied the vessel. The man uncorked and sniffed, smiling widely. He tipped it and drank a big swallow. He puffed his lips, lowered the jug, and swallowed hurriedly. He opened his mouth wide to let fresh air in.

"What the hell is in that?"

"Whiskey."

"I know that! But what is in the whiskey!"

"My special brew," said the jurist. "Two pounds of horsehair, two dozen fat snails, some badly fermented spuds and—"

The man said, "You drink the rest," and corked it and handed it up. The judge drank for a full thirty seconds and the man watched the liquor tumble down the leathery throat. "Let me try again."

"'T'ain't half bad the second time," assured Judge Bates.

The man drank, grimaced a little, and grinned. "That sure ain't, at that," he agreed, wiping his mouth with the back of his hairy hand. "Well, men, I guess the Square Butte sheep ranch ain't got no use for you. Just take Len Henburg's advice and ride right through Post Hole Valley."

"We'll do that," murmured the jurist.

They rode ahead, circling the sheep. The stench of oily wool was dense in the air. The woolies regarded them with small eyes but did not move. They saw the other guard—Carl—and they lifted their hands lazily in greeting. He nodded and they rode on. "Square Butte sheep, sure enough," rumbled Judge Bates. "See that brand painted on them, Tobacco? A sort of a square with a bunch of bumps on top, making it look like the crown of Square Butte."

"Our sheep," said Tobacco wryly. "Hold your nose, judge."

They rode past the woolies and the fresh smell of balsam and spruce, mingled with the tangy odor of pitchy pine, again took possession of the calm air. Tobacco Jones' long face was a study in mingled thoughts. And Judge Bates asked him to sum up his vagrant ideas.

"Sure enough, them high wages in that last financial statement weren't for herders, they were for gunmen. As near as I can make out, Nero Bucklin is fightin' this Mart Brackett for land and graze. Wonder who has squatter's right on this grass, Judge?"

"Our outfit, of course. I know something about this Mart Brackett, Tobacco. He used to run cattle down in Colorado but he stepped outside of the law once or twice, so I heard—via legal channels of course—he had moved into Wyoming. But I never figured he would go as far north as Post Hole Valley."

"Nero should have notified us about this trouble."

"Yes, I guess he should have. But put yourself in Nero Bucklin's boots, Tobacco. You're a young man and you got the whole world ahead of you. Two old friends turn over a big outfit to you. They let you use your own judgment on decisions. You make good for two years, gather unto yourself a wife. Then cow outfit moves in and—"

TOBACCO JONES bit off a chew, stretched his limber cheek to accommodate the plug. "Reckon I understand, Judge." They were riding through the lower foothills and the sheep were on the ridges behind and above them. The postmaster scanned the grass and studied the lay of the range. "Nero sure knows how to graze sheep, Judge. Note the grass under our broncs' hoofs. Sure, it's cropped close, but not too close—and the small hoofs of the sheep haven't cut it up any. That means that he doesn't let his herders graze a certain spot very long but keeps his sheep moving so they don't spoil the grass."

"Wait until we come to a waterhole."

Tobacco knew what his obese partner meant. If a herder leaves his sheep too long around a water hole, their manure pollutes the stream, making it so no cow—or even a coyote—will drink there. A good herder will water his sheep quickly, letting each drink his fill, but not allowing them to bed down around the water hole. And when they came down on a good-sized reservoir, set in the hills, they drew rein and studied the water and the shore surrounding it.

"That water is good," said Judge Bates.

"Flavored with a little manure, no doubt," said Tobacco, smiling, "but fairly good water, I guess. Even at that, I reckon it would taste better than that stuff you pack in your crock."

"Which reminds me," grunted the judge, "that my jug is sadly in need of replenishing."

They left the waterhole and came down on the valley proper; the meadows were fenced here, and marked by irrigation ditches. Alfalfa stood knee-high in some places, while in others it had been recently cut. Haystacks dotted the valley like heavy anthills, some cured and brown, and others green and fresh.

"Company coming," said the judge, suddenly.

A rider came out of a coulee on the lope. When he got closer, Judge Bates saw he rode a Bar T horse—he remembered the gunman, Len Henburg, saying that Mart Brackett ran the Bar T iron. He was a small, wiry man with a sun-baked, thin face. His long nose was peeling from the hot sun.

He pulled in close. "Howdy, men," he said. "Strangers here, ain't you?"

The judge, as usual, did the talking. "Was just ridin' through Post Hole Valley, aiming to head north into Montana. We found this dead man back on the hills. His horse was handy so, being honest citizens, we decided to take the body into town for the law."

"Who is the fellow?"

"Met a sheepherder back yonder who said the fellow is called Curly Jesster."

"Good Gawd!" The man rode close to Jesster, lifted his head, let it drop. "Curly, sure as hell!" His free hand went to his holstered weapon. "You two men didn't kill Curly now—did you?"

Judge Bates smiled disarmingly. "Do we look that simple-minded, fellow, that we would kill this man, then take his body to the sheriff? The sheepherder told us there was trouble here. He mentioned that some fellow named Brackett is running cattle and there are some sheep here—"

The man spat on the trail. "Sheep run by Nero Bucklin," he said. "Young button, about twenty some, I reckon. Runs the spread for some big boys somewhere, I understand—cain't remember their handles. Yeah, Mart Brackett's got cattle, and he's got gun-men, and I'm one of them. Curly Jesster and me split blankets many a time and I'm lookin' for the fellow who got him."

"Dead lips can't talk," murmured Tobacco Jones.

THE man grinned lopsidedly. "Reckon I'll ride into Latigo City with you fellows. Mart sent me out this way to sorta look around. You fellows want jobs riding against the woolies, I'll be plumb proud to interduce you to Mart. The name is Jim Slate."

"Just riding through, Slate," assured the judge. "But we're curious, I guess. Just where is Mart Brackett's outfit located, and where is this sheep spread?"

"Nero Bucklin runs his sheep out of his Square Butte ranch." Jim Slate pointed north to the rearing butte. "Used to have his office in Latigo City but there was a fire one night at the Square Butte buildings, and he decided to live out there. Dunno how the fire started. Some claim Mart Brackett had his hand in on it but we know that ain't true." Jim Slate winked widely.

Judge Bates glanced quickly at Tobacco Jones. Tobacco was chewing slowly and his eyes were a little too small. The jurist hoped his partner could keep his temper, and he decided to find out a little more.

"Where's Brackett's buildings?"

The man turned in saddle and pointed to the west across Post Hole Valley. "Right up there where the hills come down to the basin. Can't see the buildings from here, though."

"Who owns this hay land?"

"Square Butte ranch land. Patented land, too, I understand. A few haystacks have been burned, and that is odd. Reckon it was put up too green and broke into fire after being hot inside. What do they call that?"

"Spontaneous combustion," said the judge. "Yeah, a haystack will get hot, if the hay is green, and break into flame."

"But a lot of these burned. There's the remains of one now."

The stack had stood in the center of an alfalfa field. Now its location was marked by charred ashes. A few sheep, all of them cripples, grazed on the alfalfa, and Judge Bates saw they were branded with the Square Butte brand.

"Sick sheep," said Jim Slate. "The herders put them on pasture because they can't foller the herd. Coyoties chaw them up and they get lame off'n the rocks. Whenever they come close to the road thisaway, us Brackett Bar T riders use them for pistol practice."

He pulled his gun, brought it up fast, and let the hammer fall. A sheep stiffened, tried to run, then fell in a heap. The others, surprised, turned and looked at them, ready to run.

Slate blew smoke from his gun. He kicked out the empty case, put in a fresh one. "They're gettin' ready to run," he said. "You try your luck on one, Fat Man."

"Sure." Judge Bates reined his horse close to Slate's, and a pace behind. He pulled his gun, the .45 rising fast. But the hammer did not fall. The barrel did, though; it came down hard, smashing behind Slate's right ear. Slate folded, hung over his fork, then fell to the earth.

"Danged old blowhard," growled the hot-tempered jurist. "Shootin' off his big mouth and his gun! Killin' innocent sheep—our sheep, too! Let him sleep awhile and rest his big mouth!"

Tobacco grinned. "What'll we do with him, Bates?"

Judge Bates wiped the hair and blood from his gun and holstered it. He grinned, looked down at the inert gunman. "We already got one stiff over saddle," he finally said. "Let's leave this Lochinvar where he is and ride into Latigo City."

They rode on. "Lochinvar," murmured Tobacco Jones. "Can't recollect who he was?"

"He didn't shoot lame sheep," said the jurist.

CHAPTER III

LATIGO CITY was an unpainted, sprawled-out town, curled around a bend in Post Hole Creek. The main street was lined by cottonwood trees and the plank walks meandered and bent, following the fronts of the business houses with their porches and their tall false-fronts.

Judge Bates idly scrutinized the

various buildings as they rode past. The Mercantile—the big department store that handled everything from a set of harness to a needle—there was one of those in every cow town. A barbershop, post office, two saloons, hardware store. The livery barn was set off on a side street and they could see its high gable.

The one reposing and eye-catching building was the courthouse. This building, made of logs and painted dark yellow, was set at the end of the main street, completely blocking the thoroughfare. A single-story building, it had a wing that ran out behind it, and here the jurist guessed was the jail. Later he was to find out that his first conjecture was right.

"Danged nice-looking courthouse," he told the dour Tobacco Jones. "Seems as if these people have some civic pride and want their county officials housed in an adequate environment."

Tobacco glanced at the grand establishment, let his sad eyes study it for a second, then jerked them back to the washed-out buildings along the single block of the main street. "Prob'ly had some grafters in there," he grunted, "that decided to rob the poor taxpayers and they wanted a mansion from which to send forth their thieves. Costs money to build and upkeep a building like that and the money would come from the taxpayers' poor purses. Look at the rest of the town, how shabby it is, and then look at that courthouse."

"Old sour-mug," grunted Bates. "We oughta stop off at a saloon and I'd get a drink of something hard while you get the usual glass of water. That guard back there was right—this last batch of liquor I got was snake juice."

Tobacco glanced at him. "Even made your cast-iron belly rebel, huh? Nope, Bates, we better get this dead man over to the sheriff's office and let that worthy look at him. You goin' 'fess up as how we killed him? Or are you going to stick with that yarn about findin' him crocked on the road?"

A heavy line creased Judge Bates' forehead. "Been thinking that over, Tobacco. This fellow was waiting to ambush somebody, I figure. . .and it might have been us. Well, we beat him at his own game. . . . No, I figure we better stick to the story we found him dead. There'll be a coroner's inquest, of course, but we won't be held for trial that way—the inquest will be just a formality. This fellow went for his gun before I pulled the hammers on Old Betsy and I got him in self-defense."

"You're right," agreed Tobacco. "No use gettin' involved in a court case. This Mart Brackett might swear out a warrant for us if he found out we jumped this man of his out of the brush, instead of finding him dead."

Judge Bates nodded.

THEY drew rein in front of the courthouse. A heavy-set man, wearing a neat gray suit and a small Tom Watson Stetson, was coming down the walk. He wore two guns, both tied down, and his pant-legs were crammed into the half-top Justins. He stopped as they dismounted, stood there and looked at them.

Judge Bates studied the man's heavy, harsh face. He had, the judge reasoned, made his own way, and that way had marked its traces. His eyes were grayish-green and his dark hair had touches of gray in it.

"Howdy, Stranger," said the judge. "I take it the sheriff will have his office in yonder establishment?"

"Yeah, he's in."

"What's his name?"

The man jerked his eyes off the dead man. "Sheriff Ike Smith." He added, "He's a sick man; hasn't been well for two, three years, I understand. His liver, I reckon. I'm Mart Brackett. Who, if I might ask, are you two strangers?"

"Tobacco Jones, postmaster, Cowtrail, Wyoming," said the judge. "And me, I'm Judge Lemanuel Bates, county judge, Cowtrail County, Cowtrail, Wyoming. We've heard of you a little, Brackett. In fact, this fellow there—piled over that horse—is one of your gunhands, so they tell me."

Brackett asked, "*The* Judge Lem Bates?" He disregarded the dead man entirely.

"Reckon I can answer to that."

"You two men own the Square Butte sheep ranch, don't you?"

Judge Bates said, "We do."

Brackett said, unctiously, "Well, welcome to Post Hole Valley, sirs. You will find here hospitality and the friendship of a people at peace with themselves and their neighbors."

"You can't have peace," assured the judge, "when a cow outfit and a sheep ranch are hiring gunmen and killers."

"Perhaps you have garnered the wrong opinion of us," ventured Brackett slowly. "Maybe young Nero Bucklin has supplied misleading information in his letters to you two. And now on what basis do you substantiate such a statement, Judge Bates?"

"We met a gunman of yours when we rode in. He had a bad habit—and I temporarily broke him of it—just temporarily, mind you. He's back there on the trail now. This habit concerned shooting Square Butte sheep—sick sheep, at that. I beefed him with my short gun, sir, and his carcass is back yonderly. . .unless he has come to enough to stagger to his trusty steed."

"His name, Judge Bates?"

Judge Bates turned to Tobacco Jones. "What was that big mouth's handle?"

"Jim Slate," grunted Tobacco. He knew the judge had not forgotten, and the jurist's next words told him why the judge had asked him the gunman's name.

"My memory is bad," lied the jurist, "concerning names, Mr. Brackett—that is, names of small, inconsequential people I happen to meet. I believe, sir, that I will remember your name well, for the man who owns the Bar T cattle ranch will play a big part in my brief sojourn here in Post Hole Valley."

"Maybe so," grunted Mart Brackett. He went over and looked at the dead man. "Curly Jesster," he said. "Used to work with me but I laid him off this morning. He headed south and I suppose he met up with an old enemy who killed him. Well, I trust we meet again, Bates."

"We shall, sir," strongly declared the jurist. "Indeed, we shall, Mr. Brackett. And good day to you, sir."

Brackett turned and walked down the street, moving with a solid arrogance. Tobacco shifted his chew and said, "Yeah, we'll meet the big son—prob'ly over the barrel of a gun. Hell, he never canned this Curly Jesster gent—he had him spotted out there, maybe for us and maybe for any gunmen who headed this way to work for Nero Bucklin. 'Cause it seems to me that nobody but us two would know we were coming into Latigo City."

"That's right," murmured the judge. "Now, to make it look good for him, he acts as though he had recently discharged Jesster." The obese man sighed with a great tolerance. "Human life is cheap on this range, my friend." He shook his leonine head sadly. "And that, sir, is bad. When the godliness of man is violated, then a nation or a people are retrogressing, not progressing."

"To hades with that. Let's get this stiff inside."

THEY untied Curly Jesster and, with the judge walking ahead, holding the man by his feet, and with Tobacco holding Jesster's shoulders, they went into the courthouse, and down the hall to the door marked SHERIFF'S OFFICE. Using his shoulder, Judge Bates pushed the door open, and they entered.

A tall man, thin to the point of emaciation, had been looking out the window that showed the back yard. He turned in his swivel chair, and regarded them with slow, sunken eyes rimmed with black lines. He had a long, thin nose and thin, drawn lips. He did not get to his feet.

"Curly Jesster?" he said.

Judge Bates grunted, "I've heard they call him that. What shall we do with the body?"

"Just drop him there."

"He'll fall on the spittoon," said Tobacco.

"Won't hurt if it is spilled; and it can't hurt him, he's dead."

They dropped him. His head conked on the spittoon, rolled to one side and hit the floor.

"I'm Sheriff Ike Smith," said the lawman. "Not much 'count nowadays,

but I cut a path in my time. Bad liver. And you two men?"

Judge Bates introduced them.

"Who killed Jesster?"

Judge Bates smiled. He felt sorry for this broken, sick man. "You haven't been out of your chair, sir. Now how do you know somebody killed Jesster? Of course, you can see the blood on him from where you sit, but mayhap a horse threw him against the rocks?"

"Men like Jesster don't die from bein' piled by horses, Bates. They have only two ways to die: at the end of a hangman's rope or from a bullet. Mind telling me what happened?"

"Just found him dead in the trail." The jurist told the rest: how he had beefed Jim Slate, talked with Mart Brackett, how he and Tobacco owned the Square Butte sheep outfit. And Sheriff Ike Smith scowled deeply.

"Won't be no coroner's inquest," he finally decided. "Fact is, in addition to bein' sheriff, I'm also coroner. So I hereby declare there will be no coroner's inquest." His hang-dog face fell with musings. "But that puts his burial up to the county and it is not just to the taxpayer that he bury Mart Brackett's gunmen."

The judge hastily skimmed through his vast legal knowledge. "No way of proving that Jesster still worl ed for Mart Brackett?" he said. "Brackett claims he canned him a day ago. So that clears Brackett of the funeral charges unless we could prove he was lying, and we can't do that. I ran into a similar case once, and failed to prove employment."

The door opened and a blocky, heavy-set young man of about thirty ambled in, rolling with excess fat. "Here are those papers—" He stopped, stared at the dead man, his heavy eyes lidded. "Well, well, Curly Jesster, huh?" He lifted his eyes to the partners. "So he rode the wrong horse, I suppose?"

"The wrong bullet," corrected Tobacco Jones.

"Oh. So he accidentally shot himself, huh?"

IKE SMITH told the heavy man what had happened. He introduced Tobacco Jones and Judge Lemanuel Bates. Judge Bates had had a faint idea that he knew this man, or some person who closely resembled him.

"Your name again, sir?" he asked.

"Hez Appleton, Judge Bates." The hand was laden with fat, but it still had an inborn strength. "I have heard of you, sir. I am the county attorney here. Have been here for slightly under a year. My predecessor, Hiriam Jackson, became ill, and he offered me the job as assistant, prior to that time. So, with his resignation, I became county attorney. Perhaps you have met me before, Judge Bates?"

The jurist shook his head.

"Besides my county practice, I am also a public attorney," continued Hez Appleton. "I have the interests of Mart Brackett to handle, and therefore I shall have this man's body removed and buried properly, charging the costs of the funeral to Mr. Brackett."

"Save the county money," grunted Sheriff Ike Smith.

"Be only too glad to oblige," purred Hez Appleton. He put the papers on the sheriff's desk. "I shall see you again, I trust, gentlemen?"

"You sure will," assured the judge. "If you're Mart Brackett's attorney, you'll probably see us right often. I take it you are some relation to my old friend, the now deceased Judge Ezra Appleton?"

"My father. Did you know him?"

"I certainly did."

"A fine man, Judge Bates, a fine man. And that is said from the lips of a humble, grateful son."

"How about this body?" asked the judge. "You going to have a coroner's inquest? The sheriff here, who is, I believe, also the coroner, says no. Is that precedure legal, Mr. Appleton?"

"I believe so, sir."

Judge Bates murmured, "Oh. . . ."

Lawyer Hez Appleton left. Sheriff Ike Smith said, "I need a drink of water," and added, "Wait here, I'll be right ba.k." He hobbled out the door and went down the hall, leaving the door open. From where he stood, Judge Bates could see the lanky man

as he dipped into a ten-gallon crock set on a chair.

"What about this Appleton?" asked Tobacco quietly.

"One of the biggest crooks to sit on the bench, Tobacco." Judge Bates' voice showed indignance. "A disgrace to the profession, to the attorneys who had to suffer the indignities of appearing in his court. Clever enough always to keep from being barred from his bench, but only because he was smart enough to cover all his tracks. And his son, I suppose, is no different."

"This buryin' this gunman without a coroner's jury—is that legal?"

"Absolutely not."

"Then why didn't you—?"

"Small moment of mine, Tobacco, how they bury this unfortunate man. . . . But remember this, friend: that is a point in our favor. For with even this little knowledge, if this came to court, we could make it miserable for Appleton and Brackett."

They were silent as Sheriff Ike Smith hobbled back. He eased himself into his chair, and gave the legal papers brought in by Hez Appleton a brief glance, tossed them to Judge Bates.

"I take it you want to see young Nero Bucklin, huh?"

"Yes, sir." Judge Bates read the papers: a warrant for arrest. And Tobacco Jones, watching his elderly partner, saw the jurist's thick neck swell with sudden anger as he skimmed the papers.

"What does that say, Judge?"

"A warrant," said the jurist, "for the arrest of Nero Bucklin. Charge, stealing a beef from Mart Brackett's Bar T outfit. Dated for today. I suppose you are going out to arrest Nero, Sheriff?"

"He's already in jail."

"Already in jail! Why, sir, this warrant has to be served!" Anger roiled the corpulent jurist. "What kind of a county is this—they arrest a man before the warrant is drawn up and served!"

"'T'ain't my fault," said Sheriff Ike Smith. "I'm a sick man, Bates. Bad liver. One of my deputies—Jack Matheson—arrested young Nero yesterday. Attorney Hez Appleton sent Jack out there, unbeknown to me. You just saw Appleton hand me those papers for the warrant."

"Where's Nero now?" demanded Tobacco Jones.

Sheriff Ike Smith jabbed a long thumb over his shoulder to a closed door. "Foller that cell aisle down and you'll find Nero in cell number 14. I'd go with you, men, as the law demands that I do, but I'm a sick man. Damn this liver of mine!"

CHAPTER IV

NERO BUCKLIN was sleeping on his cot. He was a tall, slender young man. He wore clean Levis, faded from many washings, and his boots needed polish. His bootheels were rundown and he wore a heavy flannel shirt. His Stetson and spurs hung on a wire wrapped around a bar in the cell.

"Asleep," murmured Tobacco Jones.

"We'll wake the young bucko!" Judge Bates grabbed two bars and rattled the steel door. Nero Bucklin came awake with a jerk. He sat on his cot, rubbing his eyes—then, he looked up at the partners, and leaped to his feet.

"Judge Bates and Tobacco Jones!" His brown eyes were sparkling with happiness. "Well, danged my buttons, but it sure is good to see you two old hellions!" He got his arms through the bars and put one around each of the oldsters, pulling them in tight against the cell. "Now what in the heck are you two doing here? And man alive, I wish you never had to see me in these circumstances! What brought you into Post Hole Valley?"

"A letter from your missus," said Judge Bates, "with a tear in the corner. Yes, and a financial statement from a Cheyenne bank that showed some awful high wages—gunhand wages—being paid on the Square Butte sheep ranch. We added them both together—got a total in gunsmoke—and headed northeast. According to what I hear, you're jugged for killing a Bar T beef, huh?"

"I never killed a Brackett beef!"

"We know you didn't," assured the judge, "but that isn't evidence that

will hold up in a preliminary trial. Tell us what happened, Nero?"

"We were alone at the ranch—me and Lucy and the baby—"

Tobacco Jones interrupted, face beaming. "Baby, huh? Hey, why didn't you tell us, you young rascal?"

"Me an' Lucy was figurin' on invitin' you up this fall for a fishin' trip, an' we wanted to surprise you then. A boy, about a month old now, I reckon. We want to name him and figured we'd name him after one of you two and we decided to flip. The coin came down heads—that meant we took your first name, Tobacco—and then we decided we didn't know what your first name is—you can't name a kid Tobacco Bucklin. So his name is Lem Bucklin, after the judge."

Judge Bates blew his nose loudly in his blue bandanna handkerchief. "Continue with your story, my young man. Don't digress, please."

"Well, Deputy Jack Matheson and Hez Appleton rode up, and Appleton had a warrant chargin' my arrest for cow stealin', signed by Mart Brackett. Unbeknown to me, they had searched the place, and they had a cowhide in the barn, branded with Brackett's Bar T iron."

"I suppose," said the judge, "they found it hidden in a haystack of yours. That's the place a cowhide is usually hidden when they frame a man. Always figure the hay is easier to dig in, that's why the guilty parties plant them there."

"Nah, it was in the manure pile, behind the barn. One of Brackett's men had prob'ly hid it there the night before. Appleton had a warrant. I tore it up and threw it in his face."

"Resisting arrest," murmured the jurist.

Nero Bucklin looked at his gnarled fingers. "Yes, but it got me mad, Bates. Well, Matheson beefed me with his six-shooter—still got a bump over my left ear. That's the size of the story."

"You hire an attorney?"

"Yeah, Peter Dunaway."

THE judge groaned loudly. "Oh, Lord, deliver us, Tobacco." He glared at young Nero Bucklin. "Do you know what kind of a lawyer Peter Dunaway is, sir? Well, I'll tell you. The bar threw him out of Colorado courts, he went to New Mexico territory—was disbarred there. His law credential is also invalid in Wyoming. When did he come here?"

"About the same time Hez Appleton come—about a year ago?"

"Has Dunaway done anything for you?" asked Tobacco.

"Says he's working, but it's slow."

"He won't do anything," assured the judge. "He is in cahoots with Appleton and Mart Brackett. Birds of a kind fly together, and these would be jailbirds—if it were not for the fact that they have enough brains and legal sense to keep them on this side of the bars. Now who is judge in this county?"

"Cinchring Thomas."

Again the jurist groaned loudly. "Cinchring Thomas, one of the meanest skinflints to climb on the chair behind a bench. Crooked and deceitful, only wanting to line his own pockets—on the verge of banishment from legal ranks. Son, they sure moved in on you, these vultures—and you have facing you an array of illegal legal talent, if there is such a thing."

"I got to get out, Judge."

Judge Bates thumbed his bottom lip, face drawn in deep thought. "I shall get you out," he said.

"How?" asked Tobacco.

The judge was angry. "You probably wouldn't understand if I told you. Just follow me and find out. We will see you soon, Nero."

The youth's face was aglow with renewed hope. "Lord, Judge, how glad I am you came—and what will Lucy say—man, she'll be happy when the three of us come ridin' up the road to the house!"

They went to the sheriff's office. The jurist inquired as to the location of Peter Dunaway's law office and Sheriff Ike Smith told him the shyster was housed down the street beside the Steerhead restaurant. Dunaway was alone in the small cubicle, his boots on his desk. He dropped them slowly when they entered.

"How do you do," he said. "Won't you sit down, please?"

Judge Bates said, "No, thanks, Dunaway. We won't be here long. Where is your license to practice law in the great state of Wyoming?"

Dunaway peered at him. "Now who are you, sir?"

"Judge Lem Bates, Cowtrail county court, Cowtrail, Wyoming."

Dunaway stared. "And owner of the Square Butte sheep ranch, huh? Now who are you, sir, to question my legal standing?"

"I'm president of the state law commission," rapped out the irate jurist. "As president, as a member of the commission, I want to see your credentials, sir. Now where are they?"

Dunaway opened a drawer, came out with a legal paper. He handed that to Judge Bates who looked at it carefully, then tore it in two and threw it in the wastepaper basket. Dunaway started to get to his feet, but the judge's big hand pushed him back into his chair.

"Why, you—"

"That credential is invalid, sir. I remember your case well. I sat on the board of appeals that rejected your appeal for a new hearing. You are a lawyer no longer, sir."

Peter Dunaway was whipped and his thin face showed it. "There are other jobs, Bates," he growled.

Anger had left Judge Lemanuel Bates. "Maybe so, sir, and you are entitled to them, but not to the practice of law. I understand you are in hand with Hez Appleton and Mart Brackett?"

Dunaway studied him. "What are you talking about?"

"My client, young Nero Bucklin, told me he had hired your legal advice, and that you saw no possible quick way to get him out of jail. Is that right, sir?"

Dunaway nodded.

"But there are ways," said the judge.

"Yes?"

The judge considered. No use letting this man know what he intended to do, he thought. He said, "Good day, Dunaway," and went out, with Tobacco Jones trailing him, chewing thoughtfully.

"Good luck you got so many legal handles," muttered the postmaster thoughtfully. "Otherwise, we might not be able to do so many things. I sure never knew you was on the state legal commission, though."

"I'm not."

"Then—"

Judge Bates stopped. He balanced his jug on a window sill of a building and took off the cork, and drank. He wiped his mouth, replaced the cork. "But Dunaway doesn't know that," he said.

TOBACCO braced his legs wide and waited for the judge to get going again. "Now I reckon we go see this Hez Appleton, huh, and have it out with him? You really mean there is a way to get Nero out of jail?"

"Yes, there are a few ways."

They went into Appleton's office. The fat man stood with his back to them, looking out the dirty fly-specked window, and when he turned his obese features were radiant with assumed welcome.

"Bates and Jones! Anything I can do to make your stay in our city more happy?"

"Yes," assured the judge. "You can turn Nero Bucklin out of his cell."

Appleton's beefy face showed a strong hardness suddenly. "Sorry, sir, but I cannot do that." He lifted shady, solemn eyes and studied the judge. "Or, sir, have you a legal means of procuring his freedom? That, I believe, would be a matter for his attorney, Peter Dunaway."

"Dunaway's no lawyer any longer. I just tore up his certificate." Judge Bates told the county attorney about Dunaway's record, although he knew he was telling Hez Appleton something he already knew himself.

"You don't say," murmured the fleshy attorney. "Now, that is indeed a surprise, Bates. So you are taking over Bucklin's case, is that right?"

"I am. I demand bail for my client. I demand Judge Cinchring Thomas to hold court immediately and determine Nero Bucklin's bail."

"Court convenes tomorrow afternoon on the case, Judge Bates."

The judge's voice was somber. "I have a number of legal points to press

my case upon," he said heavily. "Chief of these—and this is, as you know, a serious infringement of the law—is that your deputy, Jack Matheson, arrested my client with a warrant issued not for the date of the arrest, but for the date following the arrest."

"Matheson had a warrant dated right. He tore it up, Bucklin did."

"Perhaps," murmured the jurist, "but the case remains: on the sheriff's desk is a warrant, calling for Bucklin's arrest, and it is dated for today, sir. This is grounds for false arrest."

Hez Appleton scowled. "A mere slip of stenography, Judge Bates," he assured. "But legally, sir, I must admit perhaps you are right. And your other legal points, sir?"

"A writ of habeas corpus."

Hez Appleton toyed with his thick nose. "I am afraid, sir, that Judge Thomas would not uphold you on that point. Have you any other logic?"

The judge played his trump card. He glanced at the wall clock. "Sir, it seems to me that my client was arrested almost thirty hours ago, and to this hour he has not appeared before a court, as is required by Wyoming statute law. The time limitations are for twenty-four hours, sir, and already thirty have elapsed. Therefore, on this ground, I demand an instant hearing."

Appleton studied him. "Where is that law, sir?"

Judge Bates gestured at the law books lining the office far wall. "Look in Volume Five, Number Six of Wyoming Statutes, year of 1889."

"I'll get Judge Thomas," said Appleton hurriedly. "He might know about it; he's right down the hall." The fat man ambled out, moving quickly in spite of his lard.

Tobacco Jones chewed slowly. "You sure you're right on that last point, Bates?" he asked.

Judge Bates uncorked his jug. "Yes, friend, I am correct." He drank deeply. "And what is more, Hez Appleton knows I am right, but he won't admit it. These buzzards have a tight illegal combine here and work the law to fit the case, not relying on statutes or codes, criminal or civil. Ah, here comes the king buzzard of them all — Cinchring Thomas."

JUDGE THOMAS looked like a buzzard, too. A skinny, awkward man, he had long arms and legs, with his hands and feet looking like gigantic knots tied in long ropes. Dark rings circled his sunken eyes and his lips were thin and covered crooked, jagged teeth.

"Why, Judge Lemanuel Bates," he said. He shook hands as the jurist grunted a low greeting. "And his partner, I assume—Tobacco Jones?" He pumped Tobacco's limp hand.

"Howjado," muttered Tobacco.

Judge Cinchring Thomas got immediately to the point. "My estimable colleague, Mr. Appleton, informs me that you are taking the case of one Nero Bucklin, now incarcerated in our jail, Mr. Bates."

The judge nodded.

"And you pointed out a statute to him—it regards the length of time a prisoner can be held without a hearing, sir?"

"I have."

"I have never heard of it, sir."

Judge Bates got to his feet. He said very clearly, "You're a damned liar, Thomas, and you know it! I've seen samples of your high-handed *justice* before and this is one of the rawest deals you've pulled yet. They call you Cinchring because once you were caught branding a stolen beef with a hot cinchring—"

"Here, here, Bates!" Judge Thomas lifted a bony hand. "Don't drag up the past, please, for such was not proven in a legal court of the territory of Wyoming; for this was a territory at that time—"

"Wasn't proven because you had some good liars on the witness stand," growled the judge. "We're laying our cards on the table. We know—and you know, too, but you won't admit—that you two are in cahoots with Mart Brackett. So is Peter Dunaway. Now I have this to say. Tobacco Jones and I will fight you legally or with any weapons you and your ilk choose. This boy is getting released from his cell. Right

here and now, you're setting his bail, sir!"

"But Bates—"

"No further words, Thomas. Appleton, notify your sheriff to bring Nero Bucklin in here, immediately."

"I'll need your consent, Judge Thomas," said Appleton, voice dry.

Judge Thomas considered briefly. "Bring the prisoner in," he said.

Appleton hurried off and soon the trio came in, with Nero Bucklin standing between the ailing sheriff and the plump attorney. Judge Cinchring Thomas cleared his skinny throat, and proclaimed court in order.

"How do you plead, Mr. Bucklin? Guilty or not guilty?"

"Not guilty, you vulture."

Cinchring Thomas' craggy face showed stormy thoughts. "The prisoner," he intoned, "must treat this court, and this judge, with due respect owing a court, and judge, of the great state of Wyoming. How, sir, can you plead not guilty when, in the sheriff's office, there is a gunny-sack, and this sack contains a cowhide found on your property—and said cowhide has been skinned from a stolen Bar T beef?"

Judge Bates cut in. "You're determining the amount of his bail, judge, and not whether he is guilty or innocent. As his attorney, I demand you stay on the regular procedure, and refrain from digression."

Judge Thomas cleared his throat. "I set your bail at $50,000," he said.

Judge Bates scowled, then smiled. Tobacco Jones muttered, "Awful high bail, judge," and the jurist said, "My partner and I go his bail, sir. We offer as security the Square Butte sheep ranch. Do we sign a legal binding, or will you accept our verbal promises, sir?"

Judge Thomas smiled. The effort seemed to cause him pain. "Your verbal promises are good in my court, sir. It has been a pleasure to turn this young man loose. Now, we shall set time of trial in the near future, and I suppose we shall see you to determine the date of said trial?"

"You will see us," assured the judge readily. "And probably sooner than you think, Judge Thomas."

Attorney Hez Appleton scowled. Judge Thomas cleared his throat. There was an intense silence. Finally Judge Thomas broke it.

"Good day, sirs," he said dryly.

CHAPTER V

AFTER the departure of Judge Lemanuel Bates and his party, attorney Hez Appleton let his bulk sink deep into a chair, his thumb stroking his thick bottom lip reflectively. Through the dirty window, he watched the trio go down Latigo City's main street. He turned lazy eyes on Judge Cinchring Thomas.

"You old buzzard," he said, "we got some tough competition. Damn it, they're out to bust this pretty game to hell!"

Judge Thomas found his swivel chair, turned in it, the swivel squeaking an oilless protest. "That's so," he admitted. He stroked his long, hawklike nose tenderly. "Bates is up on the law, Appleton. Besides that, he has such a sterling reputation in law circles—"

"We don't give a damn what they think of him in law circles," snapped Appleton angrily. "We got a basin here at stake. The sheep-hands have worked it up for the Square Butte ranch—built a dam and dammed up Post Hole creek, made a dry basin into a verdant valley. We were going along nicely until Bates and this long drink of a partner of his—"

"Somebody's coming," said Judge Thomas.

They were both silent, sitting there and watching the door. Jim Slate came in, blood on his face, his eyes bleary. He said, "You got a drink?" and Appleton jerked a thumb toward a cupboard, a cynical smile on his fat face. "In there, Jim."

Slate found a quart. He drank, said, "I got beefed by a gent—"

"By Judge Lemanuel Bates," corrected Hez Appleton. He was angry and his blocky face showed it. "You know who Judge Bates is, don't you?"

JIM SLATE stood and studied him, his eyes round in his long

face. "You mean—*the* Judge Bates? The gent that owns the Square Butte ranch?" His jaw fell at Appleton's nod of affirmation. "Why, hell, no wonder he beefed me — I'd just showed him how to kill a Square Butte crippled sheep! I was wonderin' why the cuss put his hardware to me thataway."

"Your mouth," said Appleton. "It's too big, Jim."

Jim Slate's glance was coldly angry. "Someday, fat man, I'm whittlin' you down, either with my fists or my six-shooters!"

Hez Appleton's lips tugged to an impatient smile. He moved his right hand back and hooked the thumb in his vest, showing the hideout gun he had ahead of his arm. He said, "That might be agreeable with me, too, Jim Slate."

Judge Thomas broke in, his voice bleak. "None of that talk, or those actions, my good men. This is a time that calls for concerted effort, not a disunited faction. We must stand together on this or, as Patrick Henry once said, we will fall independently. I wonder where our friend, Peter Dunaway, is at?"

"Somebody coming in the back," said Jim Slate. "Oughta be Dunaway."

Dunaway said, "Good day, gentlemen," and took a seat. "I had thought that perhaps you wanted to see me, seeing that we ran into this sudden opposition." He glanced at Jim Slate. "Why don't you wash your face, sir, and get rid of some of that dried blood?"

"If you don't like my face," said Slate evenly, "you don't need to look at it, you two-bit shyster."

"Here, here, gentlemen!" Judge Cinchring Thomas held up a bony hand for silence. "Again I implore you to put an instant halt to such talk and proceedings. We must abide by the statement of John Paul Jones that we stay in a body, not break apart."

Hez Appleton grinned. "Thought a while ago you said Patrick Henry said that, Judge?"

Judge Thomas cleared his lanky throat noisily. "I refer, of course, to a different statement that, although not worded as that of Patrick Henry, still conveys a similar sense of meaning."

"Just ribbing you," said Appleton. He got to his feet and moved to the window, heavy with his young bulk. He stood there and looked out on Latigo City and then he turned, his voice harsh and strict. "All right, enough of this, gentlemen. Jim here got beefed because of his big mouth. Young Nero Bucklin is out of jail because of Judge Lem Bates' interference. Now let's take these things one by one and try them out and work out a plan, sirs."

"I'll kill Bates," growled Jim Slate.

"Nothing like that," snapped Hez Appleton. "Maybe later in the game, if we can make it look justifiable, but if you gunned him down now— With the legal standing and respect he has in Wyoming, the governor would send the militia into Post Hole valley, and they'd hang you high, Slate."

"Maybe Slate wouldn't kill him," put in Dunaway. "He can handle that scattergun, as time will evidence."

"I've heard of him and that shotgun," muttered Slate.

"What about Curly Jesster?" asked Judge Thomas.

"Either Bates or Jones—or both of them—killed Curly," said Hez Appleton. "I had Curly stationed along the road to turn back gunmen going to work for the Square Butte. He'd jumped Bates and Jones, and they've killed him."

"But why take him into town?" asked Jim Slate.

"THOSE two men are smart," said Cinchring Thomas thoughtfully. "They did a good move for themselves when they toted Curly's carcass into town. Who would accuse them of killing him after they were going to all the trouble to take him into town? And if we did swear out a warrant for their arrests, what evidence have we got to back up our charge?"

"None," clipped Appleton. "It would look worse for us if we got them into court on that charge. No, wipe Curly Jesster's name off the

book—expendable, we'll say. He's done, gone, over with."

Jim Slate was scowling.

Dunaway asked, "Well?"

"We burn more haystacks," said Appleton thoughtfully. "Do it at night when nobody is awake. That's your job, Jim Slate. Some of that Square Butte hay has been up for some time and should be dry enough."

"Hay creek stacks are dry enough to burn," assured Slate.

Judge Cinchring Thomas asked, "Sheep?"

"Some one of these nights we'll get a late summer thunderstorm," agreed Hez Appleton. "The sheep will get *ascared*, savvy, like they got over on Rock creek a month ago, and they'll run over a cutbank and end up dead at the bottom. How do the bunions feel, Judge?"

Judge Thomas grinned crookedly. "One of them hurt the other night. But it takes three of them to mean a thunderstorm."

"Tell us when three hurt," said Appleton, smiling. "No, there'll be appropriate weather soon to stage another stampede with their sheep. Bunions or no bunions on the judge. . . . There's another angle, though."

"Fire?" asked Jim Slate.

"Yeah, that's one angle, Jim. But no, I wasn't thinking of that."

"I got it," murmured Judge Thomas. "Fifty thousand dollars bail. The judge and Jones would have to pay that if young Nero Bucklin jumped bail and fled the state, huh, and was never found?"

"He wouldn't have to just jump bail and leave the state," said Hez Appleton solemnly. "All he'd have to do is fail to show up for his trial."

Jim Slate said, "Kill him—bury him in the badlands. Do it on a dark night; a man can't see in the dark. Then when the Judge here calls him for trial for stealing a Bar T cow—"

"Somebody's coming down the hall," said Judge Thomas.

Mart Brackett came in. His Tom Watson was pushed back, showing his iron-gray hair, and he rolled a cigar angrily between his lips. "What in the hell is this I saw down the street, Appleton? Nero Bucklin loose with Judge Bates and Tobacco Jones! Who got him out of jail and on what grounds?"

"Ask Judge Thomas," said Hez Appleton.

Mart Brackett turned his gaze on the buzzard-like jurist. "Talk fast, Thomas," he growled.

Judge Thomas shrugged his thin shoulders. "I had no other recourse under law, Mart," he said unctiously. "Judge Bates pointed out a definite statute that demanded I give his protege instant hearing and set bail."

"T'hell with the law!" snapped Brackett. He flicked the ash from his cigar with a sturdy little finger. "We've made law to cover our cases to date and we can keep on making our own law, can't we?"

Judge Cinchring Thomas' thin lips bore a faint scowl. He glanced at Hez Appleton, who was openly smiling. Peter Dunaway rocked back in his chair, angling it on two legs. His eyes were seriously thoughtful and he was listening absently to their conversation. Jim Slate hunkered on the floor, his back to the wall as he licked a white paper cigaret into shape.

"Well?" asked Mart Brackett.

"You tell him, Judge," said Hez Appleton.

JUDGE Cinchring Thomas wet his thin lips hesitantly. He cleared his throat, his Adam's Apple bobbing up and down. "You see, Mart," he began confidentially, "we're not fighting a young inexperienced cowhand now—a cowhand that has gone to herding sheep. No, those days are over. We are now arrayed against some of the finest legal talent—one of Wyoming's sharp legal minds."

Jim Slate fingered his head gingerly. "And two old gents that don't seem any too slow about using their short-guns, too, if I can judge Tobacco Jones by the gunspeed of Judge Bates."

Judge Thomas smiled. "That is about the set-up, Mart."

Brackett settled in a vacant chair. He stuck his legs out and looked at his bench-made Justin boots. He cupped his heavy jaw in his hand and

stroked his chin thoughtfully. He was studiously quiet for a minute

"I guess you're right, Judge." He looked at Hez Appleton. "And what do you say, Hez?"

"Judge is right."

Mart Brackett glanced at Peter Dunaway. Dunaway shrugged and said, "Me, I'm no lawyer any longer, Mart. Judge Bates just tore my certificate up. My time has run its course here, Mart, and its north into Montana for me. You boys got enough help as it is. Fact is, Bates might get to looking into my past record too harsh, and it might be the Rawlings pen for me. No, I'm saddling up and drifting."

"You know a lot," said Brackett.

"Nothing that I'll tell," assured Dunaway. He got to his feet "Look at it this way, Brackett. I wouldn't have a damned thing to gain by telling and all I'd do is get my neck deeper inside the circle of a noose. . . ."

Hez Appleton said, "He's right, Mart."

Dunaway bowed. "Good day, gentlemen," he said. "You have my best wishes for a happy conclusion to this little affair of fire, blood and gunsmoke—not to mention legal tactics. Sometimes, perchance, you shall come into the great state of Montana and maybe you shall need legal assistance. I think you shall find me at Great Falls, up on the Missouri."

He went out.

"Good riddance," growled Mart Brackett.

Judge Thomas rubbed bony hands. "Now let's get down to business, men," he said smoothly. "We must get some plan of procedure. The objective, of course, is that Mart Brackett own the Square Butte grazing land and sheep. With that in hand, Brackett will control Post Hole Valley and we, as his retainers, will control the political and legal affairs of almost one-fourth of the sovereign state of Wyoming. Now, as I said, the objective is to get the Square Butte ranch."

"But how?" demanded Jim Slate.

Hez Appleton drummed his stubby fingers on the window sill. "Too bad there isn't a mortgage on the ranch we could manage to stall off until foreclosure. But there isn't, you know. With that out, and approaching the problem from a legal standpoint, there seems only one other legal avenue to use to attain the land."

Mart Brackett asked, "Yes? And that?"

"All of the Square Butte range is deeded land. It has been taken up for homesteading by Square Butte hands who squatted on the land, were paid for their homesteading rights—then deeded their land over to the Square Butte ranch."

"An old procedure," murmured Judge Thomas. "Used by cow ranches and sheepmen alike to fight back each others' inroads. Tested in court once and the supreme court upheld the homestead entries. No, we cannot contest their homestead claims. We have nothing to gain there."

"How about this dam on Post Hole creek?" demanded Brackett. "If we could get hold of that dam, we could control the water that makes sheep raising— and cattle raising, too—possible and profitable in Post Hole Valley."

HEZ APPLETON cupped his jaw in his hand. Judge Thomas pulled his brows down, puckered his lips. "What do you know about that dam, Hez?" asked the jurist of the attorney.

"The way I understand, that dam is placed on a homestead that a sheepherder had homesteaded, then deeded to the Square Butte outfit. What's on your mind, judge?"

"A number of things."

Appleton grinned. "I been wondering about that myself," he said slowly. "There might be some law that won't give them the right to block that stream. Some federal law, that is, because I know there is no state law covering such action. It might pay us to look into the federal water rights, judge."

"Make it quick," said Brackett. He got to his feet—a big man with an

unrelenting air of power. "We got to get this thing over with this next few months. We got to gamble and do it quick. If we lose—we lose; if we win—we got an empire. How can you two find out about those water rights?"

"Law books," said Appleton.

Brackett looked at Jim Slate for some time. Then he said, "Slate, keep up this nuisance business. Make things hot for the Square Butte outfit." He looked at Judge Thomas. "Set a case date for Nero Bucklin's trial for cow-stealing as soon as possible. You're to preside at the case, of course. Select a jury—I'll give you the names of the jurors later. But run the thing through before Bates and Jones get their feet on the ground." He started for the door, stopped. Where is that cowhide now, Slate. The one you hid in Bucklin's manure pile?"

"In Sheriff Smith's office."

"Better get it into a safe so it won't get misplaced." The cowman scratched his iron-gray hair, his grayish eyes thoughtful. "That's our prime evidence against Nero Bucklin. I wish we could run through a new election and get a new sheriff. We got to get a man that will work with us."

"Too bad Smith's liver doesn't get worse," said Jim Slate.

"Honest old critter." A flare of admiration lighted the cowman's eyes. "Too danged honest for his own good, we got to get him out of the way some way—if we can't get him to resign."

"I talked with Smith yesterday," said Hez Appleton. "He won't give up his star, he says. I appealed to his patriotism to his voters—said he wasn't doing a just act to them, seeing he cannot fulfill his office's obligations properly. But he just shrugged and said he figured his liver'd kick out of its misery soon and get well again."

Brackett considered. "Well, we'll see what happens—his office is important to us, but not that important. Rather have him in and neutral, though, than a smart man against us. Things could be worse in that department, I guess. Slate, Judge Bates is down at some saloon, I reckon, filling his jug. Why not brace him and try to drive him to his guns? If you kill him I'll see to it that you have plenty of witnesses that he drew first. In fact, it won't get into court, Slate."

"I'll see to that," said Hez Appleton.

CHAPTER VI

JUDGE LEMANUEL BATES and Tobacco Jones and Nero Bucklin walked down the street. Nero pulled the good prairie air into his lungs. "Sure good to be a free man again, and you don't know what this means to me an' Lucy, men."

"Forget it," grumbled the judge. "I'd do the same for Tobacco."

Tobacco Jones grinned. They led their tired horses down the street, heading for the livery. "Quite a ways to the ranch, I reckon," said the judge, "and we'll need fresh horses. Where is your bronc, Nero?"

"Over to the livery barn."

"We'll get fresh horses there and ride out to the ranch," said the jurist. They went past a saloon. He remembered his jug. "Got to get that filled. You haven't got a barrel full of hard stuff out the ranch, have you?"

"Whiskey on a sheep ranch?" Nero Bucklin grinned widely. "Bates, you sure don't know sheepherders. They'd sop up a barrel full of hard stuff like a bunch of human sponges and there'd be sheep scattered from here to hell and gone, with coyotes eatin' the fat ones."

They left their horses standing with trailing reins and went into the saloon. Judge Bates got his jug filled and he ordered whiskey. The bartender put out a bottle and three glasses, but Tobacco told him he wasn't drinking. Neither, for that matter, was Nero Bucklin.

"I'll take a beer," said Nero.

They stood and drank and looked out the big front window. From here they could see the courthouse. Dunaway went down the street and entered that building, and soon Jim Slate rode into town. He did not see

the judge in the saloon. Slate rode to the courthouse and left his saddle and went inside. The jurist poured another drink.

"Buzzards are gathering, gentlemen," he murmured, "and the tribe will gather around another buzzard, one Judge Cinchring Thomas. Ah, there is the kingpin of the roost, Mart Brackett himself."

"Goin' into the courthouse, too," grumbled Tobacco.

"They shall talk pro and con," murmured Judge Bates thoughtfully. "Well, you're bucking quite an array of illegal legal talent, if there is such a thing. An' have you all the legal loopholes sewed tight, Nero?"

The youth was thoughtful as he stared into his beer. "We'll have to go over that tonight, Bates, at the ranch. . . ."

They re-ordered. Tobacco, who never drank a drop of anything besides water, coffee and tea—and little of the latter two—sprawled in a chair, resting his saddle-weary bones. "Here comes Dunaway," he said.

"Probably the roost smell got too much for him and he had to get some fresh air," stated the judge. "Buzzards are notorious for dirtying up their roosting grounds."

Dunaway came in. He said, "Good afternoon, gentlemen," and went to the bar and ordered rye. He drank hurriedly and refilled and looked at Judge Bates. "How about a drink with me, Mr. Bates?"

"Just finished one, thanks."

The insult was openly apparent. The tale ran that length and breadth of Wyoming that Judge Lemanuel Bates had never turned down a drink, except with his enemies. Dunaway colored a little and poured his own glass down his throat.

"Buzzard smell drive you out of the courthouse?" asked the judge.

"Leaving town," said Dunaway. He added, "And not coming back."

"Taking my advice, huh?"

Dunaway nodded. "You could call it that." He paid his bill and went outside and went to the livery. Soon he came out on a big sorrel and he rode north, heading for the newly created state of Montana, a few miles north.

"He rides light," said the judge. "No grip or pack or even a coat across the back of his saddle. Well, Montana, here comes a shyster."

"Same way he came into town," said the bartender. "No suitcase and no pack, just a horse and a saddle."

"Probably got out of where he came from as fast as he is leaving here," said Nero Bucklin. "Well, men, let's get out of town, huh? Anxious to see Lucy and young Lem."

THEY went to the livery. Judge Bates carried his filled jug, and a frown crossed his wide forehead. Sheriff Ike Smith came down the street, lifted his hand to them, then went into the Bullhorn Cafe. Judge Bates stopped, there in an alley, and Tobacco and Nero looked at him inquisitively.

"That cowhide," said the jurist. "The one you were supposed to have stolen when there was a cow in it, Nero? Where is that? In the sheriff's office?"

Nero nodded, wondering. Tobacco Jones shifted his chew and spat, respectfully silent. He knew that some plan was building in his partner's mind, and he knew there was no use hurrying the judge with questions—when the plan was ready, the jurist would explain it.

"It's this way," the judge finally explained. "That cowhide is the only concrete evidence that says you stole this Bar T cow. All right, if that cowhide disappeared—then what evidence would the law have against you except the word of this deputy, Jack Matheson, and the crooked lawyer, Hez Appleton?"

"None," agreed Nero Bucklin.

"Then we steal the cowhide," declared the judge. "The sheriff is in eating at the Bullhorn and his office should be deserted, shouldn't it?"

"Jack Matheson's out of town," said Nero. "He went out to look over some trouble way t'other end of the county, I understand. Yes, Smith's office should be without anybody in it."

"You and Tobacco go get the

horses," said Judge Bates. "Meet me back in the alley a block down from the jail. I'll slip around and if things look right, maybe I can lift that evidence out of that office, and then there would be only the words of those two crooks, and that might not hold up too well in court."

Tobacco scowled, chewed, considered. Then he finally came out with, "I'll go with you, Judge."

Judge Bates smiled. "You stay with the horses, Tobacco, I can do this alone . . . if it can be done."

Tobacco gave in grudgingly. "Okay, Judge. But you better let me carry your jug—it might just get in your way."

"This jug and I have been together a number of years now," corrected the jurist, "and so far neither of us has stumbled over the other. Thanks though, Tobacco."

"There goes Cinchring Thomas and Mart Brackett," said Nero Buckling.

From where they stood they could see the main street. The buzzard-like Thomas and heavy-set Brackett did not notice them because of the buildings. They, too went into the Bullhorn Cafe.

"Buzzards swooping down to feed," murmured Judge Bates. "That means then that the courthouse is almost deserted, huh? Well, hurry with those horses, gentlemen, and go to the designated meeting place."

"I still don't cotton to the idea," grumbled Tobacco.

Jug in hand, the jurist hurried down the alley, going toward the rear of the courthouse. When he went by the back of the hardware store he saw a piece of broken buggy spring in a scrap-iron pile and he appropriated this. He came up behind the courthouse, and noticed that the window in the sheriff's office was open but that it had a screen on.

Country getting civilized, thought the judge. Even has screens on his window and a few years ago he probably had a piece of burlap tied across the bottom to keep the flies out. Probably got that screen in when the Northern Pacific hauled in some recently.

Apparently there was nobody around. Judge Bates openly crossed the strip and came close to the window. A quick, dextrous twist of the buggy spring, and the screen came out. He placed his jug inside, left the spring on the ground, and with difficulty pulled his fat bulk into the office.

He stood silently, listening, but no disturbing sounds came to his ears. There was a sack in the corner—a sack that had blood spots on it and was about half full, the string tied around the middle of it and above the bulky object in it. The judge crossed the room and lifted it. A cowhide all right, he thought.

A door opened in the hall. He heard Hez Appleton say, "Wonder if that damned sheriff is back in his office?"

"Don't think he is," said another voice. "Haven't seen him come back yet, Hez. Of course, he coulda come back without my seein' him. Well, reckon I'll mosey down the street and maybeso see if I can't start a ruckus with this Judge Bates gent. I aim to repay him for that goose egg his pistol barrel laid over my ear."

Jim Slate, thought Judge Bates.

"You do that," said Hez Appleton. "Mart Brackett will protect you all the way if you down either Bates, Jones, or Bucklin." Boots shuffled and then Appleton said, "I'm goin' in and see the sheriff."

THE DOOR opened. Hez Appleton ambled in, not noticing Judge Bates, flat against the wall behind him. Judge Bates' jug rose and came down sodden. Appleton's bulky knees sagged, then sprang apart. He hit the floor with a thud. Judge Bates shut the door.

Never knew what hit him, thought the jurist. He pulled back against the wall and listened. The thud made by Appleton's fall had been loud. Outside, in the hall, all was silent, and Judge Bates knew that Jim Slate, hearing the noise, had stopped and was listening.

Finally Jim Slate asked, "What happened in there, Hez?"

Judge Bates cleared his throat, took a hurried drink from the jug to

lubricate his vocal cords, and did his best to imitate Hez Appleton's oily voice. "Fell over the damned waste-paper basket and the spittoon, both at once. Guess I must've broken my leg. I need help, Jim, quick!"

"Comin', Hez!"

Judge Bates tested the cork on his jug. It was tight. The door broke open and Jim Slate ran in. He came in a little faster than Judge Bates had expected, but the jurist's crockery got him just the same. He went ahead, staggering by momentum, and hit the desk and collapsed. He hung there on the edge of the desk, then rolled over and stared up, senseless.

Judge Bates pulled back, listened, but there were no other sounds in the courthouse corridor.

Hez Appleton slept like a fat child, cherubic cheeks a-glow. His breathing came evenly, lifting his thick chest. But a little trickle of blood showed from Jim Slate's left ear. Judge Bates thought perhaps he had killed the man. Slate had come through the door awful fast, and a jug loaded with whiskey is a dangerous and heavy instrument, especially when descended across a man's skull.

But his pulse was steady.

Carrying the cowhide-filled sack, Judge Bates pulled through the window; outside, he carefully refitted the screen, then glanced inside. Hez Appleton and Jim Slate were still sleeping. Grinning like a kid with a newly-stolen watermelon, the obese jurist hurried across the open strip. Once in the alley, he fell back to his old slow, ponderous walk and, when he went by the hardware store, he discarded the buggy spring, throwing it back onto the scrap pile.

"Got it, huh," grunted Tobacco. "Here, give it to me and I'll tie it across my saddle. Better get those bloody spots down so if anybody sees us they won't get suspicious. You're puffing mighty strong, Bates."

"Moved too fast and got too much weight." Judge Bates got a boot in stirrup and went up, whiskey jug and all. "Oughta loose some of this avoirdupois, I suppose."

"You'll never lose it when you're carrying that jug," growled Tobacco.

They rode out of town. The judge, unknown to Tobacco or Nero, regarded his jug thoughtfully, seeing if there were ony tell-tale evidences of blood or hair on it. But the side of the crockery, polished to a fine finish by bouncing around on the back of a saddle for miles and miles, only smiled back with a glistening silence.

"There's Mart Bracket and Judge Thomas," murmured Nero Bucklin. "Standing there in front of the restaurant and watching us. Three blocks away, but they must see this big sack, huh?"

"Let them look," said Judge Bates, grinning.

The pair watched them until buildings cut them from sight. "Sure as hades," grumbled Tobacco Jones, "they saw that sack, Bates. Of all the unfortunate luck—"

"What's unlucky about that, Tobacco? They have no specific evidence that this sack contains a cowhide—a supposedly stolen cowhide peeled from a rustled cow. They have no evidence wherewith to swear out a warrant."

"Well, that being the case. . . ."

THE JUDGE thought of Hez Appleton and Jim Slate, back there in Sheriff Ike Smith's office. Those two worthies would be out for some minutes yet, and when they did come to they would not know what had hit them or happened to them—they would only have sick, pounding headaches as reminders, and evidence, of their trip to visit Sheriff Smith.

He was definitely sure that neither had recognized him—or, for that matter, even seen him. Appleton had ambled in, mind miles away wrestling with some illegal problem, when the crockery had hit him. He had gone out like a kerosene lamp in a cyclone. And Slate, when he had made his hurried entrance, had come in so fast he could not have seen the judge . . . or the descending jug.

Judge Bates was a man who loved a surprise, both to himself and his fellows. Therefore he decided against telling Nero Bucklin and his partner about the incident in the sheriff's office. Later, they would undoubtedly

hear about Hez Appleton and Jim Slate waking up, there on the office floor. Maybe then he would reveal what had happened. The fat jurist smiled to himself.

"You look happy, Judge," said Tobacco Jones. His hang-dog face was pulled down by weighty thoughts. "And if I look at it right, there ain't much to be happy about on this range. With trouble and smoke and—"

Judge Bates took a pull at his jug. "Lots to be happy about, man." He corked the vessel and tied it to his saddle; it bounced a little against the fork. They were riding along the edge of the hills. Brown, sun-cured grass waved in the endless slow wind along the coulees and draws and the alfalfa had just been cut below the irrigation ditches. The smell of it was sweet nd fresh, and a meadow lark sang its evening song from the sweet aroma of the raked hay. "We got the Lord's good clean air, the sweet song of the lark. We've got trusty steeds beneath our legs and I have a jug tied to my fork. You have your chewing tobacco—vile, dirty stuff!—and ahead for young Nero is his young wife and baby."

"You'll love that kid," said Nero. "And Lucy—man, will she be glad to see us ride up! Bet that girl has shed a bucket of tears—"

"Lots of tears," admonished the judge. "The young are always prone to exaggerate, huh, Tobacco?"

"Oughta listen to some of your tall lies," grunted the postmaster. "No, I can't see nothin' to smile about, Bates. Here we are, right in the middle of a range war—a postmaster who should be home sortin' mail and a judge who has strayed far from his bailiwick."

"Proceed, Tobacco." Judge Bates winked at young Nero.

"Trouble ahead—" Tobacco Jones squirted a brown stream on the dusty road. He was silent, regarding his horse's hoofs. When he looked up his homely face wore a twisted smile. "Yeah, but I wouldn't miss it for the world. Think of the iron of those gents, Bates."

"Scrap iron," corrected the judge.

They were silent the rest of the trip. They left the valley and turned into the hills, following the winding wagon trail across the ridges and side-hills. The wind had grown stronger and held a touch of chill. It was coming across the rangeland from the Rockies, far to the west but, even now, blanketed by snow and ice. Judge Bates cast slow glances across the prairie and liked what he saw.

A band of sheep grazed to the west. They were strung out across the hills, and they heard the dim bleating and now and then the sharper snap of a barking dog. Summer was pulling to a close—the spring bucks had been driven to the railhead and shipped, the wool had rown long on the sheep for winter. The year was drawing to a close, and it should have drawn to an end peacefully.

Square Butte loomed ahead, a lofty guardian of rock and flint. Eagles played around its flat top, floating with the currents of rising air. The shadow of it lay across the land to the east. They came to the top of a hill and then the Square Butte sheep ranch lay below them, resting on the broad flat that rose to become the slope of the mountain behind.

"Nice spread," murmured Judge Bates.

CHAPTER VII

THEY rode in at a fast running-walk, and Judge Lemanuel Bates' careful eyes were busy scrutinizing the buildings. What he saw made a touch of pride tug at his old heart. This was a fine ranch. He glanced at Tobacco Jones, saw that the postmaster was also giving the place the once-over.

"You've done a lot of work here, it looks like," the lanky man told Nero.

Nero Bucklin sent a slow glance around. "Yes, we sure have, Tobacco." He sighed and grinned. "But it was fun, and I made the place pay a good return."

Three hands were building a sheepshed. "What happened to the old shed?" asked Tobacco Jones. Then he remembered, "So that is the

shed that got burned down, huh? Tell us about it, Nero."

"Just caught fire one night. Burned about two hundred ton of hay, too, I guess. Come a tough winter and I'll need that feed bad. We've had a long fall so we've had time to put up every bit of hay available on our property."

"You don't know what caused the fire?" asked the judge.

The youth grinned twistedly. "Sure, I know . . . but what can I prove? Mart Brackett had it fired. Had some sheepdogs around the house and the three of them were found dead come morning. Poison."

"Damn the man that'd poison a friendly dog," said Judge Bates angrily. "Any court in the land should sentence him to be hung. They silenced the dogs and then set fire, that it?"

"Looked like it. We had a guard out, too, but they must've slipped around him. Of course, we can rebuild that sheep-shed but the hay—"

Two dogs—a collie and a black mongrel—came barking from the house and Nero silenced them. The collie jumped up on Judge Bates' stirrup, playfully nipping the jurist's batwing chaps. A young woman came out on the porch with a geranium in a pot and Nero hollered, "Hey, Lucy! It's me, Nero! And here's the judge and Tobacco!"

She said, "Oh!" and dropped the flower and pot. Then she was running down the walk, her dress swishing. The trio stepped down and she hugged Nero Bucklin, crying and laughing and asking a hundred questions and not waiting for answers.

"And here," said Nero, "is Judge Bates."

She curtsied. "So glad to meet you, judge."

Judge Bates' keen eyes appraised her . . . and liked what they saw. About twenty-two, he figured, a year younger than Nero. Black hair and a slender figure, pretty in a simple manner. Black eyes with a sparkle in them that made a man wish he was thirty years younger.

"That ain't no way to meet your old judge," said Bates huskily. He held her and kissed her.

"Why, you're worse than Nero said," she declared, and kissed him again. Then she hugged Tobacco, burying her dark hair against his chest. Tears glistened in her eyes.

"Don't kiss him," admonished the judge. "Make him get rid of that tobacco first, Lucy."

Tobacco Jones glared at his partner. Then his anger disappeared as Lucy kissed him. She hooked her arms with theirs and walked to the house with the partners, with Nero walking behind beaming. For the first time she was aware she had dropped the geranium and pot.

"Oh, it broke! And I tried so hard to get that geranium started and now I had to drop it!"

"You can repot it," said Tobacco.

Her dark eyes studied him. "Why, you know quite a bit about flowers, don't you? Do you raise them?"

"Got them spotted all around his postoffice," grunted Judge Bates. "Got so many of them the customers can hardly get around them to buy money orders and stamps and get to their mailboxes."

Tobacco smiled. "'T'ain't quite that bad, Lucy. After a while we'll get a new pot and put that back in and trim it down a little, looks a mite like it's carrying too many leaves for a slip."

THEY went inside the house. Judge Bates noticed that the place was spotlessly clean—furniture arranged just right and you could eat off of the floor. Yet it was not a stiff cleanliness; a man could enjoy his home life in similar surroundings. "Where's the baby?" asked the jurist.

Young Lem Bucklin answered that qeustion himself. He set up a lusty bawling in the next room. His mother carried him out and he regarded the judge and Tobacco through brown eyes, mouth wide open all the time.

"His supper time," said his mother. "He's looking for his bottle. But my, it's time to eat—and I'll bet you two are hungry after your long ride. You don't know what your coming means to Nero and to me, gentlemen. To think, Judge Bates, that you could get him out of jail—"

"A simple process . . . if you knew

how," murmured the judge. He nudged Tobacco and the skinny man followed him outside. "We'd better get rid of that cowhide, Tobacco. Let's bury it somewhere." He hollered inside. "We're going to scout around a bit, Nero, before we eat. No, we'll go alone. You stay with Lucy."

They led their horses to the barn and unsaddled them. Workers were coming in from hayfields and sheep-shed work. They trooped to the bunkhouse and washed up, pumping water from the well. The judge and his partner stripped their broncs, watered them at the windmill, then led them back to the barn and put hay into the mangers.

The horses fell to eating. The partners took the hide and went down the gulley a quarter-mile or so. Tobacco had picked up a shovel when they went past the toolshed. They climbed the slope until they reached a bunch of thick buckbrush. There they dug the hole and put the hide in it and buried it. They planted it deep in the sod so that no errant dog or wandering coyote could dig it up.

Tobacco straightened, wiped sweat from his forehead. "That should do it, Bates," he affirmed. "Now we better get back to the house and get some chuck put into us, 'cause I'm a mite ga'nt. Can't recollect just when we did eat last."

Riders came in in groups of two and three, and Judge Bates read them for what they were: gunmen. And across the jurist's heavy brow was a small furrow of indecision and uneasiness. His logic was simple. When you had an army, you couldn't let it lie idle—for an army has to fight. The very presence of gunmen on Square Butte range told him there would *have to be* gunplay. Some open breach of trouble would cause guns to flare, and then the Valley would be in a tough predicament.

Judge Bates had been through two gun-wars. He had seen the death, the destruction, the sorrow, they had caused. And he did not want any of that sorrow to dull the sparkle in Lucy Bucklin's brown eyes.

"Gunmen," he said to Tobacco, "and where they ride, sooner or later there is bound to be strife and death. . . ."

Tobacco chewed thoughtfully. He spat at an ant and hit him dead-center. He sat on the bench in front of the barn and contemplated the struggles of the tobacco-soaked pest. "What is the solution to our problem, judge?"

"We have a law here, Tobacco."

The ant struggled out of the mess and Tobacco loaded him down again. He shifted his chaw slowly. "And what a fine law! A crooked county attorney, a lopsided county judge—Only one honest is the sheriff and he's sick."

"You misunderstand me," corrected Judge Bates. He tapped his thick chest. "Me, I'm the law."

"Yeah, in Cowtrail—but not here."

"I aim to make myself the law here, Tobacco. Fact is, it's certain. I'm a taxpayer here and— Well, there's Lucy callin' us for chuck."

Tobacco frowned, shook his head. He regarded the ant and figured that pest had got enough punishment and set-backs for one day. "I don't follow you, Bates."

"Just a thought," murmured the jurist.

LUCY had a Crow squaw to help with the cooking. Between the two of them they concocted a meal that brought a grunt of happiness from the dour Tobacco. Judge Bates spread his white napkin across his wide chest and beamed appreciation.

"Better watch Tobacco, folks, or he'll eat until he founders."

Tobacco smiled. "Stand by for thirds," he told Lucy.

Judge Bates ate slowly, enjoying his food. Lucy had an additional surprise for him. She had mixed him a cocktail, using lemon as a base. The jurist beamed at the unexpected treat.

"Not quite strong enough, Lucy girl," he said. He added a snort from his jug to the concoction, sipped it. "All a matter of taste, girl. Mayhap that would be strong enough for Nero, but my appetite needs be sated by stronger drink. By golly, that chicken looks good—so good, in fact, I believe I'll take my seconds now."

The inner man fed, the jurist and Tobacco went outside, there to sit for a while on the porch. But an inner restlessness prodded the obese man of the bench. The cool of evening was creeping across the land. He felt the touch of it on his cheeks. Some day soon there would be a bit of snow. It would come with a cold snap, then disappear and Indian summer would set in before the real winter broke approximately in October or thereabouts.

He got to his feet. "Let's ride around and do a little look-seeing," he told Tobacco.

"My sentiments, too, Bates."

A slab-sided man stood beside the barn door. "You gents are Bates and Jones, I reckon?"

"We are," assured the judge.

"Heard you'd rid in," said the man. He was thin and he wore two guns, both tied down with rawhide thongs. "We've bit off a bit of hell here, men, and we might need your siding."

"You work with the sheep?" asked Tobacco.

The man smiled and tapped his holsters.

They got fresh horses and rode into the twilight. "Don't like that kind of man," murmured the jurist. "Maybe it's because I've been fighting them all my life in courts . . . and sometimes not in courts. Needless to say, I don't like these gunhands around—what do you say, partner?"

Tobacco stretched his jaw as he crammed a fresh chew into it. "Don't like it no more than you do, Bates." His words were indistinct around his tobacco. "But when you fight fire you got to have fire to combat it with. Brackett has gunhands—we know that; and, if we're goin' win, we got to have 'em too, I guess."

"I don't know about that." They rode in silence for some time. "There are two ways to kill a mad dog: one is to go after him, and the other is to build a trap and let him come to you. . . ."

Tobacco was silent. He knew his partner was wrestling with a tough problem. And, because he knew Judge Bates, he knew that the jurist would come up with a mental solution. He gave himself to studying the range.

The sheep had cropped the grass close, but they had not been allowed to graze on it for a long spell of time; therefore they had not destroyed the grass roots. Next spring this grass would shoot out again from the soil and repeat Nature's endless pattern. The grass would lie green and thick across the Wyoming foothills.

They reached a high ridge and drew in to rest their hard-breathing horses. While Tobacco chewed, Judge Bates tilted his jug. Below them lay Post Hole Valley, sleeping in pastoral beauty.

Lamplights marked the darkening basin below. To the southwest were the lights of the Bar T ranch. Judge Bates let his glance rest on those dim lights, dwelling mentally on the men who called this ranch their home. And, as he mentally conjured their faces on the screen of his mind, he found no peace in the picture. These were ruthless men, and this basin was their goal.

Straight south were the lights of Latigo City, lying like bright jewels on the valley floor. And Judge Bates, seeing these lights, thought of the men who were there, and how they, too wanted to control this valley. The thought was without bitterness. He himself had plenty of property . . . too much, in fact, as Tobacco had once aptly stated. To him it was not so much the possession of the land and the herds that roamed across it. There was the fact that injustice and danger rode across this land.

TRAINED to think in a legal manner, he saw the place of violence—he saw it as a method to attain peace, not to attain the desires of greed. Had Mart Brackett and his cohorts—Hez Appleton and Judge Cinchring Thomas—been fighting a common enemy, then he and Tobacco would have been on their side. But they were not fighting to advance this territory—they were fighting to drag it back into the lawless days when wanted men rode across it and hid in it to be free from the law.

To attain control, they would use violence. Yes, and with Judge Thomas and Appleton in their ranks, they would also used judicial powers. They would be, the jurist realized, the hardest opposition he had ever met in his fifty-five years. Not that he had not met others before. No, he had bucked tough men, and whipped them. But they had used force as a bargaining point, not legal knowledge coupled with the strength that lay in six-guns and fire and night-rides.

Many plans to provide opposition to these men ran through Judge Bates' brain. From the vast store of his legal knowledge he was conjuring methods to fight these robber barons. He had a few aces up his sleeve, too. And never for a moment was he fooled into thinking that Judge Cinchring Thomas and Hez Appleton and Mart Brackett were not aware of his great judicial powers.

Tobacco's voice cut into his deep musings. "Sheepwagon ahead, Bates." The skinny man lifted his voice. "Judge Bates and Tobacco Jones riding in, fellow!"

A voice came from the buckbrush on the sidehill. "Got you covered, men! Ride up to the camp and stand beside the fire so I can identify you! Remember I got my gun on you!"

"But we're—we own this ranch!"

"Got the bill of sale—or the deed—on you?" The man was cynical.

Tobacco Jones colored with anger; but Judge Bates laughed. "Hold your temper, friend. This man is in the right. How does he—or how can he—know we are whom you say we are? He's never seen us before."

"Damn' nuisance," grumbled Tobacco.

"A good man," murmured the jurist. "Nobody will sneak up on his camp. Wonder were his dogs are, though?"

They stepped down beside the fire. There was a long period of silence that wore on each nerves. Then the man came out of the buckbrush. He had a rifle in his hand. His two dogs were tied to his belt by short leashes. He had muzzled them to keep them from barking.

"Guess you're all right," he said, "seeing you ride Square Butte horses." While he untied and unmuzzled his dogs, he kept on talking. "Hank Bruce is my name. Sorry I had to make things tough for you but a man can never tell on this range . . . nowadays. Something I can do for you men?"

"Got any coffee?"

"Was just cooking some when my dogs got scent of you." He poured the hot liquid into tin cups. "You got a nice outfit here, Bates and Jones, and a good man to run it—they don't make them any better than Nero Bucklin. And that young wife of his—makes a man think over his past and wonder why he didn't get hooked up. Have you met Mrs. Bucklin's sister?"

"Never knowed she had a sister," said Tobacco.

"A tolerable old maid," said the sheepherder. He needed a shave and the coffee hung up in his whiskers. He sucked the liquid out of his beard. "About forty-five, or thereabouts. Homely as Lucy is pretty. Man crazy too. Chased me for a while but I ain't no lady's man."

"She wasn't at the house," said Judge Bates.

The herder scratched his head. "I mind now I heard she was over at Latigo City for a spell, visitin' friends there. Her name's Peggy, and it don't fit her a bit. 'Nother mite of coffee, men?"

"No, thanks."

The night was dark when they left. Sheep were bedded down on the hill and the dogs lay and looked into the darkness. One had darted off, barking. "Prob'ly catched smell of a cyotie," said the herder.

They rode through the darkness, each busy with his thoughts. They left their horses in the barn where a guard had hunkered, watching them as they came in. "I'll unsaddle your broncs, men," he had said.

The lights were bright in the ranch-house. They lay across the gravel walk and led them inside. Nero was going over some paper-work and Lucy sat in the rocker, working on some needle chores. Another woman

sat in the opposite chair, reading a magazine.

Lucy got to her feet. "Meet my sister," she said. She introduced them. The gaunt, homely face lighted happily. Peggy shook hands warmly with Judge Bates, while the jurist nodded absently.

"And this," she said, "is Mr. Jones?"

"Tobacco Jones."

"I'm so glad to meet you." Her handclasp was warm and she gave it an added squeeze. Tobacco didn't like that.

"I'm glad to meet you, too," he mumbled.

CHAPTER VIII

AILING Sheriff Ike Smith had found Hez Appleton and Jim Slate. Grumbling about his bad liver, he had moseyed into his office, reared back and stared at the two men who lay there unconscious.

"What the—" He ran to the door. "Hey, Judge Thomas, come here quick! They're dead, I tell you—both dead!"

Judge Cinchring Thomas and Mart Brackett were just returning from the Bullhorn and supper. The judge grinned around his toothpick. "You gone crazy, Smith?"

"Crazy, hell!" snapped the sheriff. "They're on the floor, both of them—they're dead, I think!"

"Who's on the floor?" demanded Brackett.

"Appleton—Jim Slate!"

Those words brought Brackett and Thomas to sudden attention. They ran into the sheriff's office, Brackett heavy on his feet, and Thomas dropping his toothpick in his haste. Brackett knelt beside Hez Appleton and took his arm and Thomas did the same to Jim Slate. Sheriff Smith stood open-mouthed and stared down at the proceedings. A short silence followed.

"Hez is alive," said Brackett.

"So is Jim," affirmed Thomas.

Brackett looked up at Smith. "Better close your big mouth," he said angrily, "or you'll swallow a fly. Trot down the street fast and get Doc Williams. I saw him just going home when we came up here."

Smith left.

Brackett got to his feet. "Now what the hell happened to these two buckos?" He leaned over and peered at Slate's ear. "He's been hit over the head with something; there's blood in his ear."

"Maybe he fell and hit the desk?"

Brackett said, disgustedly, "Oh, Lord." He looked around the room thoughtfully. "Now what would these two be doing in here, anyway? Must've come in to see Smith and somebody's beefed them. Couldn't be Smith—he was at the Bullhorn when we were there, and what reason would he have?"

"None."

"Then who—" Mart Brackett stopped short and stared at Judge Cinchring Thomas. That worthy's pasty face went a shade lighter. He lifted a long, trembling finger and stabbed it toward the corner.

"It—it's gone, Brackett!"

"What's gone, you fool?"

"The cowhide, and the sack. Somebody's stole it, I tell you."

Brackett understood then. He went to the swivel chair and sat down. "So that's it, huh? Somebody's come in to steal the cowhide. Then Appleton and Slate came in, and this gent has buffaloed them and knocked them out. They must've come in one at a time or else both of them would have overpowered the intruder."

"Look," squeaked Judge Thomas.

This time his finger was pointing toward the screen window. Brackett followed it and saw the marks left by the intruder's jimmy. "Somebody's busted in, stole the cowhide, knocked these two dogs silly, then pulled out with the evidence we need to put young Nero Bucklin behind bars!"

"Who could that be?"

Brackett turned on the jurist. "Use your damned head . . . if you have one! It would be one of three people—Nero Bucklin, Tobacco Jones, or Judge Lem Bates! Remember that sack one had tied to their saddle! Sure as hades, that held that cowhide— Wonder if we could catch them?"

Judge Cinchring Smith shook his cadaverous head slowly. "Probably have buried the hide by now," he opined sadly. "Yeah, I remember that sack, Mart; tied behind Jones' saddle."

Brackett considered. "Guess you're right, Cinchring. No use in trailing them." He stared out at the tin-can littered alley. "Now we haven't got any evidence pointing to Nero Bucklin as a cow thief. What would happen if we took the case into court?"

"They'd laugh us out of the state, Mart. Sure, we've got the evidence of Deputy Jack Matheson and Hez here, but it is just verbal. Of course, with me on the bench—"

Brackett scowled. "No dice," he finally said. "We're sitting on an uneasy seat around here; a number of townspeople don't like our methods. And we can't afford to get public opinion against us. Say, where is Jack Matheson, anyway?"

"I figure he left the country."

"Why?"

"He saw what he was getting into, and he just jerked stakes."

"Two rats deserted us, then," growled Brackett. His anger left; logic replaced it. "Well, Jack was small fry. One less to cut in on the pot. Wonder where that damned doctor is?"

"Here he comes now."

THE MEDICO, a stout man, was puffing, but his breathing was low beside that of Sheriff Smith, who had momentarily forgotten his bad liver. The doctor went right to work. Jim Slate, he said, was the worse off. Hez Appleton would come to soon. But Slate, he declared, had a fracture—he reeled off a long list of medical terms.

"Talk Wyomin'," growled Mart Brackett.

"His skull has a slight fracture, I believe; that is why blood came out his ears. He has been hit by a broad, heavy instrument that had crushing, stunning force. We have to get Slate to bed. Sheriff Smith, if you will get two men, and go to my office—yes, it is open—and get the stretcher there?"

Smith suddenly remembered his liver. "I'll have to take it easy, doc," he said. "I'll just mosey along, huh?" He did not wait for an answer; he left.

Hez Appleton sat up suddenly. He looked around with dazed, uncomprehending eyes, and slowly sanity returned to them. He raised his right hand slowly, touched his skull, and winced. He looked up at the ceiling.

"What fell on me?"

Brackett asked, "You don't remember? Far as we can guess, somebody slugged you. You didn't see who it was? Think hard, Hez!"

Hez Appleton drew his plump face into an unpleasant expression. "No," he said, "I can't remember a thing. Something hit me and here I am." He tried to get to his feet, groaned, sank back. He made it the second time; he stood on wobbly, uncertain legs. Then he saw Jim Slate and the doctor kneeling beside the prone cowpuncher. Surprise ran across his lided eyes. "Somebody hit him, too?"

"He stumbled," said Mart Brackett cynically. "He bumped his head against you, and you both went out cold! The cowhide is gone, Appleton!"

"Gone!" Hez Appleton leaned aaginst the desk and stared at the corner. "By gosh, it is, ain't it?" His head felt as if a herd of colts was running around inside. "If I lean over, my head will fall off. Bates did it, men."

"You see him?" asked Brackett, eagerly.

"No, but who else would it be?"

Brackett fingered his bottom lip. "We ain't got no proof," he declared. "Sure, it was either him or his partner or Nero Bucklin. You sure you ain't got no grounds to issue a warrant on, Appleton?"

"Well—"

"You issue a warrant," declared Sheriff Ike Smith, "and I won't serve it, by gum! I've just been listening to you men talk. I can tell what you've said to the people—the man out there in the street—and he'll back me up. My voters didn't elect me to get involved in such shenanigans!"

"We oughta get a new sheriff." growled Brackett.

Judge Cinchring Thomas came to the breach. "There, there, men," he soothed. His sunken, dark-rimmed eyes were filled with mock sympathy. "I realize your stand, sheriff, and it is justified . . . to a certain extent." Smith did not see him wink at Brackett.

"I'm an impartial man," declared Sheriff Ike Smith. "I do my duty as I see it best, and this ain't no case to issue a warrant on, I think."

"You think right," murmured Judge Thomas.

They got the limp form of Jim Slate on the stretcher and the two townsmen carried him out, with Doc Williams following them. Smith sat down and turned his chair, looking out the window in deep thought. With Attorney Hez Appleton braced between them, Judge Thomas and Mart Brackett went down the hall.

"I'm getting to bed," sighed Appleton. "Ohhh . . . my head, my head. . . ."

ANGER had left Mart Brackett. Coldly he surveyed his future moves. According to his reckoning, Judge Bates and Tobacco Jones had won this hand. He remembered Jim Slate's promise to drive Bates for his gun, and kill him. Well, that would be out of the question, now.

A dozen plans ran through the big man's brain. He examined each carefully, discarded it, picked up the next. He knew that it was almost folly to hit the Square Butte herds. Sooner or later, Judge Bates would get evidence—direct evidence—pointing to the Bar T, and then there would be a court trial . . . and maybe Judge Cinchring Thomas would not preside. . . .

He made his plans accordingly. Whosoever controled Post Hole creek dam thereby controled Post Hole Valley. And if he could get hold of the dam, then to him would fall possession of the basin. He could crowd the Square Butte outfit out by refusing to let it have water; without water it could not raise hay and without hay it could not stay in the sheep business.

"But a few nuisance raids won't hurt," said Judge Thomas.

Mart Brackett smiled for the first time in hours. "You reading my mind, Judge?" He did not wait for an answer. "We got to get control of that dam, I tell you. How is your operator in Cheyenne getting along?"

"He should have some legal status on the dam soon," assured the lanky judge. "Here, Hez, buck up, sir. Your knees are bending. Ah, now we are going into the hotel, we are climbing the stairs to your room."

"Some accident happen, sir?" asked the hotel clerk.

"Yes, a deplorable accident," said the owlish judge. "Mr. Appleton and Mr. Slate were hanging a picture in Mr. Appleton's office when it broke loose, fell and hit them both."

"You don't say!"

"My key," said Hez Appleton. "In my vest pocket."

"I have mine," said the clerk. He unlocked the door, and went back downstairs. Brackett and Judge Thomas undressed the fat, stupid attorney and got him to bed. Thomas stayed with the sick man. Mart Brackett went downstairs, stood on the sidewalk, looked at the town with unseeing eyes.

He finally went to his horse and found stirrup. Dusk was thick when he reached the Bar T ranch. He had ridden hard, driving his horse with a cold, white urgency, and the beast showed the marks of his punishment. Quirt slashes had raised welts on his lathery hide. Spur rowels had dug into his heaving flanks and brought blood. When Brackett stepped down, the horse stood with front legs spread wide and his head low.

"Rode him hard, Mart," said a man. He was a hollow-chested, long-nosed man with a jointed jaw. "Somethin' important?"

"Come up to the house, Casey."

"Take care of his bronc," Casey said to a nearby puncher. He followed his boss into the long low house made of pine logs. A Cheyenne squaw kept house for the cowman. She shuffled

out, carrying a lamp which she put on the table.

"You hungry, fellow?"

"Ate in town," said Mart Brackett. "Get out, Daisy! Casey, get a chair. We got something to talk over." The squaw had closed the door behind her. Brackett looked at it for some time, silent. Finally he crossed the room quietly and suddenly jerked the door open. But the squaw was not listening.

He grinned. "Damn, she tricked me."

"What's in the cards?" asked Casey.

BRACKETT told him about the ruckus down in Latigo City. Casey hunched forward on his chair, his lids pulled down. He was a calm man and he had followed danger: there was danger here, and with this danger were good wages. He had no personal feeling, no emotion, toward either Hez Appleton or Jim Slate. They were but part of the pawns in this game and nothing more.

"A night ride, huh," he murmured. He stirred in his chair. "And a warm bed waiting for me in the bunk-house. . . ." He smiled a little as though busy with past memories. "That's the trouble with these damned range-wars . . . they keep a man up too late at night, and sometimes he never gets to bed until daylight."

"But there are sheep on Willow creek, you say?"

"Quite a herd, Mart. I was over that way today and I watched the herd from a mesa. About two—, three thousand head of the stinking things, I guess. They're bedded down on the ridges, probably to keep the coyotes from working them so easy. Sure are a heap of coyotes in this country, you know it? I saw seven today—in one bunch—over on Stinkin' crick."

"They follow sheep. . . ."

Casey got to his feet. He was lithe and he moved without effort. "I'll saddle two tough horses for us, Mart." He regarded his boss with sharp eyes. "Nobody else riding, then—just us two?"

"We can handle it, Casey. Or would you want more riders? Do you think we should take Mike and Pedro?"

Casey thought. "No, two's enough. Ought to be an easy chore—with dynamite. Run, sheep, run! Like the old game, huh? Used to play that when I was a kid in Texas. Old school ground, out on the plains. Wind blow like hell all the time. Almost as bad as here."

"This ain't no time to bawl about your school days," growled Brackett.

Casey went to the barn. Mart Brackett went out the back door, moving along the edges of the hills for quite a distance. Then he came to a dugout hacked back into the rocky slope. Walls and top were made of peeled pine logs covered with dirt. He unlocked the heavy door. It went in with a slow squeak. The interior was pitch black.

Brackett did not light a match. He knew the interior of the place well; he moved without bumping into anything, and when he came out he carried the dynamite under his arm. Hunkered there in the dark, he fitted fuses to it, got it all ready for the match.

Casey rode up, leading Brackett's horse. Brackett said, "This way, Casey," and got to his feet and moved toward him. Casey pulled in and asked, "Did you close the door behind you, Brackett?"

"Yeah. . . . Why?"

"Don't like powder a bit. I've seen some of the things it can do. . . worked in the Butte copper mines a spell."

Brackett went up, holding the dynamite under one arm, turning his horse a little as he pulled too much on one rein. The night was coming in and there was a long ride ahead, and then there would be the ride back. All in all, most of the night would be spent in riding.

"Willow creek," he said quietly.

CHAPTER IX

JUDGE LEMANUEL BATES had slept like a dead man. Days in the saddle had tired him more than he cared to admit. Only once during the night had he been

awakened—and that time by Tobacco Jones' raucous snoring. His partner had lain flat on his back, his mouth open so wide his jaw lay on his chest. The jurist had jabbed him hard with his elbow and the lanky man had come instantly awake.

"Huh? What the heck? Who—?"

But Judge Bates had feigned sleep. Through lidded eyes he watched his partner in his surprise. Tobacco had stared at him and then grumbled, "Bates must've moved around in his sleep and accidently jabbed me."

Then the lanky postmaster was slipping back to sleep. Judge Bates knew that in less than ten minutes the snoring would start again and if he didn't beat Tobacco to sleep, the snoring would keep him awake. The next thing he knew dawn was sneaking across the window sill.

Tobacco was still snoring. This time he lay on his side, his mouth wide open, his lips vibrating under his expelled breath. Judge Bates got out of bed and dressed. The house and the bunkhouse still held sleeping occupants. He went to the corrals and the barns, walking around and looking the place over.

This was the time of day most enjoyable to the elderly jurist. He had been an early riser all his life. He had acquired the habit as a boy when his father had got him out of bed early to milk the cows, and it had stayed with him through his adult years.

He washed at the pump. The water was cold and made his skin feel good. The dogs had made friends with him and they followed him around. They jumped a jackrabbit back of the haystacks and chased him into the sagebrush, yipping as they ran. Judge Bates watched the incident with a smile. The dogs never had a chance to catch the jack; and the rabbit knew it. Ears back, he loped at a leisurely pace, just keeping some feet ahead of the yelping dogs. Finally, growing bored of the chase, he stretched out, racing across an alkali bed, and left the canines to trot back to the house, their tongues out as they panted.

An old man, bent with age, came out of a small cabin. Tousled gray hair hung across his eyes and he wiped it back, peering at the jurist. He pumped the basin full of water and doused his face, blowing and puffing. He dried himself on the roller towel, studying the judge.

"I'm Happy Day," he said. "I'm the *mozo* here. I take it you're my boss, Judge Lem Bates?"

"Young Nero Bucklin's your boss," corrected the judge. "Nero's running the spread, and it'll be his some day. . . ."

"He's a good young button," said Happy Day.

THE JUDGE went to the ranchhouse. The squaw was paddling around, her big moccasins flopping on the floor. The judge went to work with pancake batter and skillet, and the squaw grunted, shuffled off to her room. Soon the tasty smell of fried bacon and fried spuds was in the air, spiced by the aroma of the hotcakes.

Then young Lem Bucklin started bawling. After that, the house came awake in a hurry. Tobacco came in, rubbing his eyes, his suspenders dangling. "You ol' wart-hog; up to your old culinary tricks, huh?"

"Couldn't sleep," grunted Judge Bates. He flipped a hotcake. "You sound like a wooden-framed threshing machine with burned-out bearings chugging through a bunch of heavy rye bundles."

Tobacco listened to Lem Bucklin's bellowing. "Couldn't sound that loud," he said.

"He's a baby," said Judge Bates. "There's a chance for him, but there's none for you. You've cut your eye teeth."

"Yeah," admitted Tobacco mournfully. "An' lost 'em, too."

Gradually the family gathered for breakfast. Peggy came in, her lanky form wrapped in a dressing robe. "Good morning, Mister Jones. And good morning, Judge." She looked at the postmaster. "And did you spend a good night, Mister Jones?"

Tobacco mumbled something.

"Grab chairs," hollered the jurist. "Chuck's on. Rustle your dogs, sheepmen. Come and get it!"

Tobacco found a chair and Peggy

sat beside him. The judge kept on cooking and waiting table. He even made the squaw take a chair and start eating, and she looked at him amazed.

"Nobody ever wait on me," she said.

"First time for everything," agreed the jurist. He kissed her loudly on the cheek and everybody roared with laughter except Peggy, who sat primly in her chair. Tobacco glanced at her, transporting a hunk of hotcake into his mouth.

"I don't believe in unmarried folks kissing."

Tobacco delivered the hotcake, chewed. "I don't believe in anybody ever kissing at all—married or single."

"Not even married?"

Tobacco winked at the judge, but Peggy did not see it. "Nobody at any time or any place," he declared.

Nero Bucklin said suddenly, "There's a rider coming, and he's coming fast." He got up and went to the window. From where he stood at the stove, Judge Bates could see the rider, too. He was on an old bony horse, riding without a saddle, and he had a rifle in his hands. He came at a fast lope, his heels beating the nag's bony ribs, and he was hollering.

"Nero! Hey, Nero!"

Already Nero was outside, running down the walk; hard on his heels came Judge Bates, running too. Behind them, still chewing hotcake, came Tobacco Jones, wiping his lips with his bandanna. The women stood on the porch and watched.

Nero Bucklin grabbed the old horse's bridle. "What is it, Loco? Quick!"

Loco Andrews rocked in his saddle. A slender, dirty man, at his calm best sheepherder parlance, been "with the woolies too long." Now his gaunt, unshaven face was full of terror.

"They jumped my herd," he gasped. "Out on Willow crick! Two men—maybe more—they had dynamite—Dang, I lost the whole herd, Nero! They stampeded over a cutbank—the coulees full of dead woolies!"

"When, Loco?" demanded Nero.

"Late last night. I got my horse—nothing I could do there—Long ride, from Willow crick to here—"

Judge Bates cut in. "Recognize either of the two raiders, Loco?"

The gaunt man shook his bewhiskered head slowly. "Night too dark—and they came too fast, Bates! I had a guard—you know—"

"Rode into town for tobacco." He lifted a long-fingered hand and silenced Nero. "No, it was my fault he rode in. We were plumb out of smokin' an' I couldn't leave my sheep— Just happened to hit at the right time . . . an accident, no more. That guard is a faithful boy."

"Get him in the house," said Judge Bates. "Get some whiskey and hot coffee in him. Then pour him into a bed . . . after he's had a bath."

THEY got the tired man from saddle. With Tobacco and the judge supporting him, they got him into the house. The squaw was heating water and she said, "I take care of him, Judge Bates."

Lucy's brown eyes showed worry. "What are you going to do, Nero?"

Nero Bucklin considered. Judge Bates watched him closely. There was shock in the youth's eyes, but with this was a hardness of purpose. "Nothing much we can do, I guess, except ride out there and look at the wreckage. Sheep are crazy as hell. One start running for no reason at all, and they all follow him—even if he runs off a cliff. Bar T doings."

Judge Bates grunted. "Maybe we can find some evidence to pin it on Mart Brackett," he declared.

Nero Bucklin smiled thinly. "It's happened before a number of times, Judge, and so far there's been no clues . . . and I don't think this time will be any exception."

"Be careful, Tobacco," said Peggy.

"Oh, sure," grumbled Tobacco. "Oh, hell, yes!"

They saddled and rode out. The wind was cold and the sun had little heat because of its low altitude. Square Butte cast its dark shadow across the foothills. The hills rolled away on every side but the east, and here was Post Hole Valley. Shadows and half-shadows played across the basin's floor.

They headed west, riding hard. Judge Bates' jug bounced against his horse's ribs. The beast, not used to the bounce of the crockery, wanted to buck at first. The jurist lashed him across the belly with his quirt. The bronc gave up and straightened out on a long lope.

The sun came up, bringing a degree of warmth. Tobacco Jones hunched in kak, rubbing his bony hands together. The distance was about twenty some odd miles to Willow Creek. Their horses were sweating. Now and then Judge Bates would tilt his jug, seeking warmth from the whiskey therein.

"Funny he don't ever get drunk," grunted Nero Bucklin. "I've counted eight jolts you've taken from that crock, Judge. Now me, if'n I'd've taken three, I couldn't sit my saddle. I'd be back there on the trail somewhere, I reckon."

Judge Bates grinned at Tobacco. "You young buttons ain't got no belly on you. Should drink more alkali water and get seasoned on that, then drift off on whiskey for chasers."

Nero grinned, said, "Nope, Judge."

The youth's voice was cheerful, Judge Bates noticed. But this, he saw, was only an exterior cloak—underneath, the boy was tense, worried. And the jurist, used to the ways and methods of men, knew that Nero figured he was to blame—that he had been chosen to run the Square Butte ranch, and he had failed.

"It isn't your fault these damned gunhands moved in," said the judge.

Tobacco spat. "Buck up, kid. Hard winter ahead."

"Willow creek is ahead a few miles," said Nero.

They were coming on scattered bands of sheep. Evidently the herd had broken up, some going over the cliffs; others had run to the side, missing the dangerous declivity. Scattered this way, the sheep would be easy prey for coyotes and wolves. They were tired from their night's run. Some had bedded down in the shade of cottonwoods and box-elders; others were grazing.

A rider loped toward them, rifle in hand. When he recognized them he raised the Winchester high in a gesture of friendship. He was the guard—a swarthy, bearded man, solid in saddle.

"What the hell happened, Nero?"

Nero told him. "When did you get back, Jake?"

"Just a few minutes ago. Man, you haven't seen half of it, Nero. You should see the woolies piled up in the gully." He mopped his forehead with the back of his hand. "Dang it to hades."

THEY rode to the edge of Willow Creek. True to Jake's promise, the sight was a grisly one. Sheep lay in piles. A few crippled ones hobbled around. They had run pell-mell over the cliff. Those not killed outright were smothered to death under the wool and weight of the others descending on them.

Nero Bucklin studied the destruction angrily. Tobacco Jones, gaunt face expressionless, chewed and spat. Judge Bates slowly untied his jug and drank deeply, making a loud noise. He tied the jug back on his saddle.

"Only one thing we can do now," said the jurist. "That's to ride around and look over the bunch and shoot the cripples. Reckon Lucy'll send out another herder, Nero?"

"She'll send out one of the boys," assured Nero.

Tobacco pulled his .45. "Ain't gonna be a nice chore, men, but it's got to be done."

Most of the cripples had broken legs. They split up and rode through the bands, their pistols cracking. Judge Bates felt a great distaste for the ugly job, but it was essential and had to be done. Already his mind was running on, trying to find some legal evidence to pin against Mart Brackett.

"Here comes the sheepherder," hollered Nero.

It was noon when they finished their disliked task. The 'herder and his dogs got to work, corraling the bands into one big group. When the three rode away, their gun-belts were almost depleted of cartridges, and they were sick and tired inside. Judge Bates summed up each's thoughts.

"We've got to make Mart Brackett

pay for this . . . and pay through the nose."

Nero Bucklin moved in saddle, his young features heavy. "Sure, Judge, but how? You know Mart Brackett did this—either him or some of his men. According to Loco, he saw two riders. But he didn't recognize them."

Judge Bates scowled thoughtfully. "What if Loco swore on a witness stand that he identified one of the raiders as Brackett?"

"Perjury?" asked Tobacco.

"You could call it that," assured the judge; "but it has been done before, you know." He smiled a little. "Been guilty of it a time or two myself, but what legal man hasn't?"

Nero thought that over. "No, it wouldn't work, Judge. For one thing, Loco is like his name—crazy. He's missed too many trains, as the 'herders say, and his mind is clogged with greasy wool. Get him on the stand and he'd miss all his cues and muff the whole thing. Then, too, he'd never consent—he's afraid of Brackett's guns, and the guns that Brackett's money hires."

"I guess that about sums it up." Judge Bates sighed and drank. "But how about Jake?" He answered that question himself. "No, somebody probably saw him down in Latigo City—he was in the stores, I guess—and they'd testify against him, proving he wasn't in the camp when the stampede occurred."

"That's right," said Nero.

Tobacco Jones chewed and spat. They came out of the hills and the dam and reservoir lay in the folds below them. The water danced over the spillway and hurried into the irrigation ditches. The postmaster was thoughtfully silent as he looked at the water. Finally he spoke.

"You could get two John Doe warrants swore out, Judge. Then, if we got some evidence, we could serve them on Brackett . . . if he was one of the raiders."

"Dad gum," declared the judge. "You're getting smarter. I never knew you savvied what a John Doe warrant was." He smiled at the glum Nero. "Get that look of gloom off your face, son. Tobacco's learning things from me!"

Tobacco g'ared.

CHAPTER X

AFTER they had stampeded the Square Butte sheep, Mart Brackett and Casey rode back toward the Bar T, driving their broncs hard before the cold night wind. Casey rode down in his saddle, glum and silent and filled with thoughts. Brackett leaned forward on stirrups, hands braced against the saddle-fork, his big shoulders pushed out against the night as they loped on.

Neither man spoke. They came into the ranch late at night, got challenged by the guard, and rode on in where they turned their mounts over to the mozo. "Clean them up, old man," growled Brackett. He was cold and ugly and the oldster sensed it, for he did not answer. "Curry them down and wipe them with dry hay to dry them. And if anybody asks you if we did some night riding, you ain't got no voice, no eyes, nor no ears. Savvy?"

"I savvy, Mart."

Casey said, "Adios, Mart," and moved toward the bunkhouse. Brackett went to the house and lay on the bed. He did not undress. He pulled a blanket over him and he went to sleep. But his sleep was thin, and two hours later—when the dawn was bright—he was eating breakfast.

He said, to the squaw: "Have the mozo saddle a fresh horse for me, and then some more coffee. Quick, woman!"

He got the horse and rode toward Latigo City. He was being driven with a great impatience, and this ran through him and made him drive his horse hard. When he came into town the bronc was a-lather. He rode him into the livery stable.

"You're hell on horseflesh," said the hostler. "You trying to kill this horse off, Brackett?"

Brackett beat the dust from his suit with his Tom Watson. He said, "What difference does it make to you? . . . My horse; not yours."

The hostler led the horse into a stall. Brackett stood in the wide doorway and looked at Latigo City, mindful of the sounds behind him as the man stripped his animal, led him to the rear to water him, then took him back to the stall. Brackett had the sensation, suddenly, that the end was not far off—this whole thing was building up, running across space the way a wild horse runs. He was quiet and strong and these thoughts were not easy to take. He delved into them and broke them into their simpler components and one thought stood out: Judge Lemanuel Bates.

With the coming of Judge Bates, things had taken a different color. Before, with only Nero Bucklin for opposition, he had been matched against an untried youth; but when the judge came—Brackett wondered what would be the Square Butte's next move, but he knew that move would be made by Judge Lem Bates.

The morning had run by fast, and it was nearly noon. He went to Judge Thomas' chambers, and that worthy regarded him through sunken, ringed eyes. He said, "Know anything about the ownership of the dam site, judge?"

"Expect a letter in a few days," said Judge Thomas. "Might be one in on the stage this noon. Has the stage come in yet?"

"Came, and went. I looked in your postoffice box. No mail there." Brackett sprawled in the chair, heavy legs extended out. Hez Appleton came in. He had a patch of white dressing on his head. He waddled to a chair and sank heavily between it's arms. Brackett smiled crookedly. "How's the skull, Hez?"

Appleton touched it gingerly. "Hurts, not much, though."

"How's Jim Slate?"

"Jim Slate died this morning at four," said the fat attorney. "He never regained consciousness."

"T'hell you say!" Brackett held his voice steady. He kept his surprise inside. "Well, now, that makes somebody a murderer. And who do you figure that is, Hez?"

Appleton said, husky-like, "Who else would it be but Judge Lem Bates? He must've been hit with a jug! But he hit Jim a little too hard, and he killed him." He turned his fat-lidded eyes on gaunt Judge Thomas. "Why not swear out a warrant charging Bates with murder, Judge?"

"What do you say, Brackett?"

Brackett thumbed his bottom lip. "Do that," he said. "Don't tell Sheriff Smith. We'll serve it ourselves. You got that right, ain't you, Appleton?"

"Both of us—the judge and I—can by due process of law, serve a warrant," assured the attorney. "But would it be legal, Judge?"

"To hell with the legality," declared Judge Cinchring Thomas. "We're fighting for big stakes here, and no holds are barred. If the law doesn't fit the case, we'll bend it until it fits. You men get horses and I'll fix out the warrant. Have you eaten, Appleton? I've already had dinner."

"Had some lunch in my office, Judge."

They looked at Brackett. "I had a late breakfast," said Brackett. "Fix that warrant and we'll ride, Judge. Quite a ways out to the Square Butte."

TEN MINUTES later, the three left Latigo City. Sheriff Ike Smith stood beside his window and watched them leave, a scowl of wonderment on his homely face. Then his liver sent a touch of pain through him and he sat down, holding his side. When he got to the window again, the trio was out of sight.

Brackett had got a fresh horse. The animal pulled at the bit, but he had to hold him in, or he would have left the fat attorney and the buzzard-like judge behind, for both were poor hands in a saddle.

The afternoon had run on when they came into the Square Butte ranch. A guard met them, stepping out of the buckbrush behind them, and when Mart Brackett drew in at the man's challenge he had a tight smile on his lips. This outfit was prepared, too, he thought.

"Just riding in," said Hez Apple-

ton. "Is Judge Lemanuel Bates at the house?"

Len Henburg gestured with his rifle. "Ride in, men." They were a hundred yards from the house. He walked behind them, his rifle under his arm. Judge Thomas scowled, cleared his throat loudly, said: "We come on a friendly visit, sir. Therefore that rifle of yours seems improper and out of place to the occasion."

Henburg grinned. "Last night some Square Butte sheep got stampeded on Willow crick. Dynamite set them a-running. A heap of them got killed. That dynamite never fell from a cloud."

Mart Brackett said, "You tellin' the truth, fellow?"

"Oh, no," said Henburg. "I'm lyin'!"

Judge Bates and Tobacco Jones had been in the house. The judge had seen the trio coming, with Len Henburg behind them. "That Henburg ain't takin' no chances," chuckled the jurist. "Watch how he walks behind them, that rifle just ready. You know, ever since that fellow stopped us that day when we rode into Post Hole Valley, I've sort of cottoned to him."

"Good man," murmured Tobacco.

The partners went outside and stood on the porch. Nero Bucklin hurried up from the supervision of the construction of the new sheep-shed. He had his hand on his gun. Lucy and Peggy watched through the big front window. The trio halted in front of the judge and Tobacco.

"Company," grunted Len Henburg.

Judge Bates said, "Thanks, Len, and you might just as well mosey back to your post again." He studied the three enraged riders with coldly critical eyes. "Well, now, it's a long ride out here from Latigo City, men. Brackett, of course, is used to the saddle—night or day, it looks like—but you, Appleton, and you, Thomas—you must be the owners of a number of saddle boils."

"Forget our saddle boils," said Judge Thomas. He tapped his coat pocket. "I have here—"

"A warrant, I suppose," finished Judge Bates.

Judge Thomas studied Judge Bates through calm eyes. "Now how did you guess that, Bates? Is your conscience bothering you and have you decided to confess?"

Judge Bates smiled. "Oh, I guess I got it wrong, huh? I thought it was a warrant for Mart Brackett here, and that he was your prisoner, and you wanted me to finish signing the complaint. Ain't that it?" He made his face look dumb.

Hez Appleton smiled unctiously, murmured, "A joke, Bates, but a poor one. Now why, my good friend, would this warrant be for Mart Brackett, might I ask?"

JUDGE BATES regarded Brackett steadily. "Last night a band of our sheep were dynamited on Willow Creek and run over the cutbank. They're piled up there this morning—we just came from there. And the way it looks to me, Brackett and a rider or two were the gents that stampeded them and killed them. Fact is, was just getting ready to ride to town to get my colleague here—Judge Thomas—to swear out a John Doe warrant to pick up Brackett on it."

Brackett's eyes were dangerous. "You're talking big, Bates, but you haven't got anything to back it!" He turned in saddle and spoke to Judge Thomas. "Would you, Judge, issue such a warrant, on such limited—practically worthless—guessing?"

"Well, I—"

"He'd have to issue the warrant," said Judge Bates.

Judge Thomas nodded his gaunt head. "The judge is correct, Brackett, but when it came to asking Sheriff Smith to arrest you—I could not do that, of course. My office would not like to see you—or any other citizen—sue the county for false arrest." The jurist cleared his throat again.

Judge Bates smiled, winked at Tobacco. He looked at the edges of the white bandage that showed from under Hez Appleton's hat. "Now what happened to you, Hez?"

"That damned jug of yours!"

"Jug?" Judge Bates feigned puzzle-

ment. "What do you mean by that statement, sir?" He held up his jug, turned it slowly. "Here the vessel is, sir."

Appleton said, angrily, "Don't act like a schoolgirl, Bates! You slugged me with that jug—and you slugged Jim Slate!"

"Explain yourself, Appleton!"

Hez Appleton hesitated. He might be, he thought, a plump young man who had bitten off more than he could chew. But still he decided to push his bluff through. "Where's that cowhide?" he demanded.

"Cowhide?" Judge Bates studied Tobacco Jones' blank face. "Now what is he talking about, Tobacco? What cowhide?"

Tobacco shrugged indifferently. "You can't get an answer out of me, Bates. I don't know what he's talking about, and I doubt if he does."

Hez Appleton was losing control of the situation. Brackett slouched in saddle, hand close to his gun. Judge Thomas came to the rescue of his fat colleague. "Gentlemen, gentlemen," he soothed. "The county attorney did not get right to the point—the point is this, sirs: some persons looted the sheriff's office and stole the Bar T cowhide—the one Nero Bucklin skinned from the beef he stole. In so doing, they slugged Hez Appleton, knocking him unconscious, and they also slugged Jim Slate, fracturing his skull, and causing his death this morning."

"Where do me and Tobacco fit in?" demanded Judge Bates.

Judge Thomas folded his hands piously across his saddle-horn. "That is why we are out here, sirs. I have here, Judge Bates, a warrant for your arrest, charging you with, among other felonies, the crime of causing the death of James Slate. This is a serious charge, as you know." He regarded Judge Bates with unblinking eyes.

Judge Bates studied the party with a smile. His gaze finally centered on plump Hez Appleton. "Sir, what makes you believe that a jug hit you? I take it you did not see whoever or whatever hit you?"

"A broad, blunt instrument," said Judge Thomas, cutting in. "Coming down with sickening force, it smashed James Slate's skull—"

"I'm talking to Appleton!"

Appleton said, "We'll thresh this out at your hearing, Bates. There'll be time to get an answer to your questions then—This is not the proper place to hold a preliminary hearing."

Judge Bates' voice was husky. "You damned cheap whippersnapper," he growled. "You haven't any evidence substantiating a warrant and you know it. This is a breach, a misdemeanor, and a disgrace." He reached up and pulled the warrant from Judge Thomas' hands. He tore it up and threw it away and it fluttered in the wind.

"Hey," said Hez Appleton.

"Now, now, Bates—" cautioned Judge Thomas.

MART BRACKETT put his horse around. He said clearly, "Bates, you walk with big boots, and your tracks wobble. I got an idea I'll straighten you up a little! We've heard how you run Cowtrail country with your make-up law, but this is Post Hole Valley, and we run this end of the state." He reached down to grab the jurist by the front of his shirt.

Judge Bates said, quickly, "Watch things, men!" He stepped aside, grabbing Mart Brackett's thick arm. The jurist braced himself and pulled, and Brackett left the saddle. He landed on his fours, skidding into the dust. Judge Bates stepped back, glancing around quickly.

Tobacco Jones and Nero Bucklin had their guns out. And, in the doorway, stood Lucy, a rifle up and ready. Peggy was wailing inside, then that sound died. Judge Bates heard Lucy say, "She fainted," and then Brackett got to his feet.

"You'll pay for this, Bates!"

Judge Bates felt a moment of anxiety. Brackett was more than ten years younger than he, and the man was hardened by saddle and hill. They weighed about the same and were of the same reach, but Brackett had youth on his side. Judge Bates

decided that only one thing could defeat the big man—and that was plenty of fight. So he carried the scrap to his enemy.

The experience gained by bar-room fights, by fights in courtrooms—all this stood by the judge now, and he needed every bit of it. For Brackett was tough; he could fight. The judge pinned everything on an early finish. For, if the fight went too long, the difference in their ages would spell victory for Brackett.

Breathing hard, Judge Bates pushed ahead, driving Brackett back, making the man give ground grudgingly. He pulled his head down, hiding it behind a shoulder, and he used what little science he owned. Brackett whipped in lefts, rights. Some the judge blocked with his skull, some with his shoulders and forearms—and others he stopped with his face.

He had a smile on his lips. Brackett saw that and fought harder, grinding his knuckles against that smile, trying to pound it off. But still, the smile was there. Brackett gave ground, boots shuffling, fists working. Then, suddenly, he came ahead—he fought hard, relentlessly.

Grunting, Judge Bates stepped back—he had to. Brackett pushed in, a smile across his battered lips. One eyes was swelling shut. He figured he had the judge, and the judge figured so too—until. . . .

Brackett got careless. For a long, tantalizing second his jaw was open, ready. And Judge Bates' right lopped in. It tore across Brackett's guard, lifted a little too high, and broke the man's lips. A clean blow, the crack of it was loud, and dimly the jurist was aware of Tobacco's yells of approval.

"You got him with that one, Bates! You got him—!"

The rest of the postmaster's words were lost as Judge Bates slugged. Another blow weakened Brackett's knees, another sprung the muscles loose in the man's thighs. Judge Bates put every ounce he owned behind the next one. And, true to his hope, it landed flush, knocking Brackett down.

PANTING heavily, the jurist backed against the house, holding his right hand. He glanced at Judge Thomas and Hez Appleton, Appleton sat in his saddle, an open-mouthed lump of fat, his eyes wide. Judge Cinchring Thomas' gaunt, predatory face was without emotion. Neither man, Judge Bates noticed, had his hand close to his gun. But that was probably because of Tobacco's Colts—and the short-gun of Nero Bucklin. Not to mention Lucy's rifle.

"Oh, Lord," grunted Appleton.

Brackett groaned, sat up. He wiped blood from his mouth. He got to his feet slowly, glaring at Judge Bates. For one second, the jurist thought he would rush him. But Brackett changed his mind. He went to the pump and pumped water across his head, wiping his face on his bandanna. Then he went to his horse and mounted.

"Let's get outa here," he said.

"Just a minute—" Tobacco Jones was smiling. "Didn't you men come here to serve a warrant . . . or something?"

Judge Thomas said, "Good day, folks," and then, "Let us go, men." They rode away and turned toward Latigo City. Tobacco put down his gun and went to Judge Bates. "You better wash your mug, Bates."

"I'm old enough to take care of myself!"

Lucy was worried. Her brown eyes showed fear. "Now what will they do, Judge Bates? You tore up their warrant. You beat up on Brackett. The men held their guns on the county attorney and county judge—"

"They might have some plan," said the jurist slowly, "but I don't know what it is. We won this hand, anyway."

Nero grinned lopsidedly. "Yeah, but what's next?"

Peggy's horse-face showed a big smile. "You men sure did well," she said. But Judge Bates noticed she was smiling only at Tobacco Jones.

Tobacco noticed it too . . . and lost his smile.

CHAPTER XI

THE WOMEN went into the house. The bawling of young Lem Bucklin could be heard as the judge washed. Tobacco brought a towel from the house. It was a rough towel, and it scraped the skinned places on Judge Bates' bruised face.

"Couldn't you get a rougher towel?"

"Get you some sandpaper." Tobacco hunkered beside the wall and looked up. "Me, I figure we got to have a powwow right now, Judge. Here we were just ready to ride in and file a John Doe warrant against Brackett, and they come out with a warrant for you—"

Judge Lemanuel Bates grinned ruefully. "Guess my temper got the best of me," he admitted slowly. "Their charge could never have held in court, any more than ours would have held against Brackett. All I intended to do was jail the big son for a day or two, just to show him I could get him in jail."

"And that," said Nero, "is what they intended to do to you, too."

Tobacco's smile grew. "You two mighta been in the clink together, huh?" He slapped his thigh. "Wouldn't that be good, Nero? Bates and Brackett glaring at each other from opposite cells!" His smile died and left his homely face bleak. "But they can make it tough for us if they want to now, can't they, Judge?"

Judge Bates considered. "Yes, they'd have plenty of charges—assault and battery against the person of Martin Brackett, use of a deadly weapon with possible intent to kill against Appleton and Judge Thomas. They could put us all into jail except young Lem and Peggy—if they thought they could get away with it—"

Tobacco asked, "Explain that last, Bates?"

"Me, I don't think they want any of us into court unless they have a real serious charge against us—one like murder. Now what if they did take me into court for manhandling Mart Brackett? Me, I'm years older than he—that wouldn't look good for them; me on the witness stand, an elderly man, whipping a younger man—a man like Brackett. But that other charge—If they could prove that—"

Tobacco Jones and Nero Bucklin were silent. Tobacco traced a long finger through the dust and Nero regarded his boots with slow curiosity.

"Never figured I hit that Slate rooster that hard," said the jurist. "What did you know about the man, Nero? Anything good?"

"If there was, I never heard about it. He had a gunfight down town in the Slat-Top saloon, killed a man. Never even gave him a chance to reach. Judge Thomas cleared him right off. No, Bates, you did humanity a good turn there. Don't let that weigh on your conscience."

"Ain't got such an animal," grunted Judge Bates. "If I did have, I wouldn't be on the bench. Only us three know; so that is safe."

Nero got to his feet. "Must be about time for chuck."

An hour later the judge's face was swollen badly. One eyes was getting black and his nose was bigger than usual. Lucy wanted to put beefsteak on the eye but the jurist talked her out of it.

"Beefsteak ain't no good to take down swelling," grumbled the judge. "Just an old folk tale that lots of innocent people believe in. Nothing a man can do but let it pass over. May I have a few more of those spuds, Miss Peggy?"

"Certainly. And you, Mr. Tobacco?"

Tobacco glanced up from his plate. "I'll get along, thanks. Funny thing, I always manage to get along."

"Oh, how nice."

Judge Bates almost smiled, caught himself in time. Tobacco was telling the woman that he wanted to be alone, but she didn't take the hint. Or if she understood, she acted otherwise.

AFTER supper, Judge Bates and Tobacco sat on the long porch, watching the evening dusk creep in. The judge had young Lem and was rocking him to sleep. The baby had ceased crying and was nodding. In

fact, the judge was nodding, too. Tobacco smiled at the picture.

"Perfect bliss, huh?"

Judge Bates' head came up. "Darn near went to sleep myownself," he grumbled. He looked at young Lem's round face and then at Tobacco Jones. "Odd indeed that such sweet babies can grow up to be such ugly men. Look at him—sweet and healthy, unmarred by violent tempers, by the vile use of chewing tobacco—"

"Or hard whiskey," added Tobacco. "Don't blow your breath on him, Bates; you'll get the tike drunk. By the way, where are you filling that jug of your'n at? You've been away from a bar for some time."

Judge Bates leaned forward. "Len Henburg."

"I don't follow you." Tobacco scowled deeply.

Judge Bates glanced around. But Nero Bucklin was down at the bunkhouse talking with his foreman. "This Len Henburg's quite a fellow," said the judge. "Educated man, graduate of high school. He's got a little still back in the hills and he raised a little corn in the garden—"

Tobacco finished with, "—and he got hold of some sugar, and a charred-oak barrel, and a coil—"

Judge Bates beamed. "Marvelous deduction . . . and marvelous whiskey." Holding I em in one hand, he uncorked his jug and drank with the other. "Fine brew, my friend. Indeed, I have a great friendship for Mr. Henburg, a friendship based on—"

"Whiskey. A drunken friendship."

Judge Bates feigned disgust. "Tobacco, have you ever seen me drunk—on the bench or off—?"

"I don't know how you do it," said Tobacco.

Lucy came out. She wiped a strand of hair from her sweaty forehead. "Dishes are finally done. Here, I'll take young Lem." She tested him. "Wet again!" She went back into the house. "I'm putting him to bed. Thanks for holding him, judge."

Tobacco got to his feet, yawned, spat out his cud. "Reckon I'll hit the hay myself, Bates. We only been here a few days but we've rid a thousand miles, burned a little grass out from under a bronc's hoofs—and seen a hell of a lot of our sheep . . . plumb dead. I'm gettin' callouses."

"On your head?" asked Judge Bates. "Or on your behind?"

Tobacco went inside. Judge Bates rocked in his chair, feeling the cool of the evening. Of the time of the day, this time of dusk was the more pleasing to his personality. At this time coolness crept across the rangelands, bringing surcease from the turmoil of the day. Somewhere in the hills a meadowlark sang. And Judge Lemanuel Bates, hearing the cheery song, knew that the bird would be about the last of his fellows in this region. For by this time in the fall most of the meadowlarks would have flown south for their winter habitat in Texas and the territories of New Mexico and Arizona.

A rider came in, limned against the setting sun, then moved into the dusk as he rode to the barn. Len Henburg came out of the shadows, dropped beside Judge Bates on the porch steps. He drew carefully on his cigaret and looked around cautiously. After a pause, he said: "That new batch has aged three days, Judge. Had it in an oak barrel, too. I want you to try a drink or two to test it. This is made out of wild sugar beets, not cane sugar. Got some from the Indians—the Sioux—north of here the other day."

He handed Judge Bates a flask. The jurist uncapped it, face aglow, and almost emptied it. He held it and ran his tongue around his mouth, his smile growing all the time.

"Wonderful, Len, wonderful!"

"Want a jug full?"

Judge Bates shook his crockery, accurately judged its contents. "Not quite half full, sir. What would you do with the liquor now encased between these heavy walls?"

"Put it back in a barrel."

"Then, sir, fill it, and may the heavens smile on you."

Len Henburg got to his feet. His knees were a little unsteady. "Been sampling that liquor myself," he said. "Finest brew I've ever run out of a coil, sir. I shall be back in a very short time, sir."

Judge Bates rocked. This, he

thought, would be the life—a nice ranch, a willing hand to run out fine whiskey. A man could sit on his porch and rock and see his sons grow and see his herds on the horizon. Nero Bucklin would do that, he swore, after the demise—or whatever he and Tobacco would do to them—of Mart Brackett and Hez Appleton and Judge Cinchring Thomas.

The thoughts of these men were not pleasant. And Judge Bates, rocking in the cool of the evening, filled with good whiskey and the prospects of continuing in that state, did not want to mar his musings by such characters. But yet, despite his efforts otherwise, these three creeped into his thoughts, giving them color and shape and danger.

Len Henburg put the jug beside the rocker. The jurist murmured, "My undying loyalty to you, sir," and continued rocking. Henburg sat on the step, drinking now and then from the flask. They were silent, two men enjoying each other's company. Needing not words, but rather enjoying the silent friendship of the other.

Henburg said, "I'll have to hit the hay, Bates."

"Good night, sir."

The man moved into the night and went into the lighted bunkhouse. The air was chillier now, and Lucy came out, carrying a shawl. "You'd better put this over your shoulders, judge."

The jurist smiled with battered lips. He looked at her from his good eye. "Thank you, girl, but it's time for bed."

THE JURIST awoke early the next morning. The swelling had almost all left his lips, but his eye was very black. He sat on the edge of the bed and regarded it with judicial deliberateness. He had had black eyes before and he judged this one of his finest. He took a drink and that cheered him somewhat.

Tobacco and Nero were riding west, checking on a sheep camp back in the hills. They took a packhorse loaded with supplies for the herder. They asked the judge to go with them, but he declined.

"What you going to do today?" demanded Tobacco.

"Riding to the south," informed the judge. "I want to look over this dam again, and I want to see what the haycrews are going. You two hit for your badland camp. I'll ride through the lanes bordered by green alfalfa—"

"T'ain't green now," grunted Nero. "It's all in stacks, 'cept for a few acres." He squinted at the sky thoughtfully. "Guess the boys have about two hundred or so acres to put up yet. Sure hope this cold weather keeps off for another week, anyway. Take your rifle, Bates."

"And your shotgun," added Tobacco. A wide smile split his seamed countenance. "Look at that eye," he chuckled.

"Nothin' wrong with me that a stiff shot of redeye won't cure." But the judge wasn't telling the truth. He ached in every joint and his back was sore. They rode out, leading their pack horse, and he saddled a fresh bronc. Len Henburg came up. "Ridin' somewhere, Judge?"

"Want to come along?"

"Nero put me to shovelin' hay into the mow."

"Pshaw. . . . Now ain't that just like an ordinary man? Overlooks the artist in your soul and puts you to a menial task. Well, sir, come with me—and spend a day of ease in the saddle?"

"Yeah, but Nero—"

"Who owns this ranch—me or Nero?"

"Well, now, putting it that way. . . . Got your jug full, Judge?" Judge Bates nodded. "I'll get me a bronc an' be right with you."

They rode across the hills. From here they could see the length and breadth of Post Hole Valley. Haystacks dotted the expanse of the meadows. They opened a gate and rode across rough stubble left after cutting alfalfa. The hay-crews were working at the southern end of the valley. Len Henburg pointed out the black remains of stacks that had been fired and burned.

Judge Bates scowled. "Any of Mart Brackett's Bar T hay ever catch on fire?"

"Not that I know of."

"Brackett has burned these." They

reined in and sat saddles and watched a crew put up a stack of alfalfa. The hay had been raked into windrows. Then bull-rakes came along and cleaned up the windrows and took the hay to the stacking machine. The stacker lifted the hay high and dumped it on the stack where two husky hands were wielding pitchforks.

The jurist heard the hum of the mowers. He smelled the sweet scent of the fresh alfalfa on the crisp fall air. He and Len Henburg ate with a hay-crew in a log cabin situated on Post Hole Creek. They were below the dam and very little water was in the stream. Cottonwoods were losing their leaves.

Judge Bates looked at the waterholes. "Any fish in those?"

Henburg nodded. "Some catfish—both black and channel cats. Some good-sized ones, too, and there are a few pike and some suckers and redhorses. You like to fish?"

"Sure do."

They rode on. Some of the Square Butte men were irrigating a grass field. The main ditch had lots of water in it. "Where does the Bar T get its water for its hay?" queried the jurist.

"They built small check dams—back in the gullies. They hold some water, enough to raise a little hay. But when a man gets down to it, Post Hole Creek dam is what Brackett wants—and what he is fighting to get."

THEY rode down on the small reservoir that lay like a white jewel surrounded by brown, barren hills. A man came from the brush with a rifle. "Recognized you, Len," he told Henburg, "but I don't know this other rooster."

"Your boss," explained Len Henburg. "Judge Lemanuel Bates."

The guard smiled. "I'm Slim Johns," he introduced himself. "Heard tell you and Tobacco Jones were in this section, Bates. Wanna look over the dam, huh?"

"Glad to know you, Johns."

"We got four other guards out," said Slim Johns. He cupped his hands and hollered. "Len Henburg and Judge Bates riding in, men. This is Slim Johns hollering!"

Judge Bates saw the men step out of brush surrounding the dam. He and Henburg rode on. The dam proper was constructed out of dirt. It had been built patiently, slowly, by hand and by fresno and four-horse team. It had a spillway and a turnout for water. The normal flow of water, heading down for the hayfields, traveled through the turnout. But if a cloudburst occurred, this surplus water went over the spillway. This would save the dam from washing out if a cloudburst hit that region.

Judge Bates studied the dam carefully. And as he watched, pride grew in him for young Nero Bucklin. This youth had built a good dam. He had, by one stroke, doubled the worth of the Square Butte sheep ranch.

"How did he get hold of this site?"

Henburg took a drink from his flask. "He had a 'puncher named Mel Cox prove up on the land, then he bought Mel's rights. Mel left the country. Why ask, Bates?"

"Ain't no way that Brackett can contest the homestead entry, is there?"

Henburg corked his flask. "No, I guess not. Mel Cox spent two years residence on this 160, as demanded by homestead law. He left a year ago after selling his entry to Nero." The cowpuncher scowled. "That sure would be handy for Brackett and his bunch if they could prove Mel Cox hadn't proved up according to law. They might spot a homesteader in here and claim this dam."

Judge Bates pondered. "Might be able to do that," he acknowledged. "You ever use your homestead rights, Henburg?" Henburg shook his head. "Me and you better head into town and re-file on this site, huh?'

Henburg studied the terrain with a critical eye. "I could build along the shore there, and put my still back in that brush."

Judge Bates smiled. "Sure thing, fellow. You could take a two-year vacation. Make a heap of hard liquor in that time. Sell some on the side."

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enclosing a sum of money in the form of bills, and—"

"*What happened?*" demanded Brackett, exasperated.

But there was no hurrying Judge Cinchring Thomas. He had looked long to this moment, and now that it had arrived he would get its full dramatic values. He cleared his throat for the tenth time and smiled.

"As you know, one Mel Cox proved upon quarter-section—well, the location is here—the northeast quarter of section twelve, township seventeen, range twenty-four north. This one-hundred and sixty acres comprises the entire area upon which Post Hole Creek dam is located."

MART BRACKETT resigned himself to time and fate. He settled back in his chair, keeping a tight lid on his impatience. Hez Appleton loafed in his seat, his fat eyes lidded. Brackett studied the attorney covertly. This man of the law, he knew, was a weak man. He was smart enough but a weak trait ran through his coarse body. He would break when and if the right party got hold of him. Brackett debated with this thought; he ran it across the rim of his mind. Finally he decided that if danger threatened him through Hez Appleton, he would get rid of Appleton and thereby remove that danger. He switched his attention to Judge Cinchring Thomas.

"True to his promise, Will King went through the archives, checking up the homestead entry of said Mel Cox. According to the homestead law passed by the Congress of the United States, a homesteader must spend at least three hundred days of a year on the land upon which he filed, and he must spend two such periods consecutively—in other words, he has to spend two years on his claim."

"Did Mel Cox do this?" asked Brackett.

"He did not," assured the jurist. "Will King's survey shows that he spent only 200 days during his second year. Therefore, at its next session, the board of equalization, sitting as a board of judges on homestead entries, will cast the claim of Mel Cox aside."

Brackett sat up suddenly. "When did you get that, judge?"

"Came in the mail last night."

Brackett sat forward, rubbing his jaw. That hurt a little so he stopped. "That means that the section where Post Hole Creek dam is located will be thrown open for homestead, huh? Well, that means that Mart Brackett better get a man on that quarter section, beating Judge Bates and his partner to that little chore."

Judge Thomas nodded his cadaverous head slowly. "That's the way it is, Mart," he agreed. "Of course, Judge Bates won't find out about this. . . until too late. I would judge that Will King, for the consideration we sent him, in his spare time during his recordial duties, has worked this record over a little with his expert pen, making the second three hundred read two hundred by a deft stroke or two. Did you ever see any of Will's counterfeit money, sir?"

"No," said Brackett, "and I don't want to." The tenseness had left him now: the trail ahead was clear. He knew the way out from here on. With one subtle, quick stroke he had become the boss of Post Hole Valley. He owned the water-rights for the Valley, and because he owned those rights he had the Square Butte ranch by the throat. Sheep could not live without water and without hay, and that water and, indirectly, the hay—all this came from Post Hole Creek dam. "We'd better get a homestead out there—get a man on it, pronto."

"That's it," said Hez Appleton. He got to his feet quickly for a man of his huge bulk. "Better get a man on it pronto, Mart. Who would that man be? Have to be a man you could trust implicitly, sir."

Judge Thomas regarded him shrewdly. "Yes, sir, a thoroughly reliable man, Brackett. A man whom we can trust and regard with high esteem."

Brackett ran over his hired hands in his mind. One stood out: Casey. He debated about this worthy, then discarded him. "I'll live out there myself," he said, smiling. "Build a nice

cabin on the shore and it'll be cool in the summer there. I can handle that and the Bar T at one time."

"Excellent, sir, excellent!" Judge Thomas rubbed bony hands together. "And you'll be closer to town, too. A wonderful plan."

"Hope Will King made that homestead entry look authentic," murmured Hez Appleton. "If he botched the job—"

Judge Thomas beamed. "You may rely on Will King, Hez. Rely on him wholeheartedly. Now, we ride to the dam, huh? We take the sheriff along, of course. From what I hear, the Square Butte ranch has guards around the dam."

"Better take the sheriff and plenty of evidence saying that Mel Cox's homestead entry is canceled." Brackett got to his feet. "I'm out of smoking, have to get some. I'll meet you in ten minutes or so in front of the Red Rooster. We're sitting on a good saddle now, men."

JUDGE THOMAS beamed on the big man's retreating back. Then that smile died as he turned predatory eyes on Hez Appleton. "Butch Carlett and Kid Mayer rode through last night, Hez. They came over to my place about four this morning. Things got hot for them down around the Border so they drifted north."

Appleton studied him. "You don't say. . . . And what did they want, Judge?"

Judge Thomas tapped his claw-like fingers against his desk. "Seems as though one of the railroads building through Montana want some good beef and want it bad. They had already contacted the purchasing agent and made a deal with him whereby all of them would make money."

"And us?"

"They steal Brackett's cows, of course. We work from the inside as we did on the other four—, five deals. I tipped him off to that herd west of here in the hills, and that bunch up north a ways. They've got a crew of four men, and they rode out that first direction. By now those cows are going north to make beefsteak for the track-layers."

Hez Appleton went to the window. His eyes went beyond the town to the cemetery on the southern hills. There was a new grave there and Jim Slate was in it. A few days before Slate had tasted good food and breathed good air—"Did we get a nice cut, Judge?"

"We get it when they get paid up north." The jurist quieted the attorney with a raise of his scrawny hand. "We shall get it, sir. One word from me and I could have the law of Wyoming after Butch Carlett and Kid Mayer. We have a simple task, Hez, and the returns are high for the time expended. We keep track of Brackett's main herds, and when the outlaws hit those herds, we see that Brackett and his men are not on the scene."

Hez Appleton chuckled. "Brackett never got wise to those other raids. . . . "

"He missed cattle," corrected Judge Thomas, "but he had no idea they were being rustled by us and the Butch Carlett gang. As it worked out, we got him to think they were stolen for beef by the Square Butte ranch."

"We better get our horses," said Appleton. He waddled his bulk to the door. "Hey, Sheriff Ike Smith, we need you."

Judge Cinchring Thomas gathered all the papers he needed, studied his desk for a moment, looking at the litter on it. Sheriff Ike Smith hobbled in, his gaunt face grooved with pain. "What be it, men?"

"We got some riding to do," said Judge Thomas crisply. "We need you along, sheriff. No, I can't explain here. I shall tell you the full details as we ride. Hez Appleton is going with us, as is Martin Brackett."

Smith's eyes studied him from under craggy brows. "Ridin' with a damned bunch of thieves to do some legal skullduggery, huh?"

"My, my," scolded Judge Thomas. His voice sounded jocular but under it ran a heaviness. "Such a way to refer to your contemporaries, sir. Men who dwell with you each day under this roof of the county's—"

"'T'aint my fault," grumbled

Smith. "I tried to resign but nobody'd accept my resignation. Damn this liver of mine." He turned on Judge Thomas. "Is it possible for a man to have his liver removed and still keep on living?"

Judge Thomas shook his head.

"Then I guess I'll have to live with this one until I die," consoled Sheriff Smith, limping up the corridor to his office. When he came out he had a .45 strapped loosely around his waist, with the heavy gun sagging way down on his right side.

THOUGH there was no pressing hurry, the four rode across the hills at a long gallop. Hez Appleton was full in his saddle, pushed down flabbily between horn and rim. Gaunt Judge Thomas rode high on his leathers, lanky body jerking to each move of his animal. Sheriff Ike Smith rode twisted, putting his weight on one boot, and hoping that way to favor his liver.

Brackett headed the quartet. The day was bright for him, and this would be the telling blow. For when this was over with, he would have the Square Butte ranch at his mercy. They would ask him for water—and they would not get any. Without water they would have to abandon their hayfields. . . or sell them. And when they sold, he would be there to purchase them. . . at his own price, of course.

The air held a hint of coldness. But Brackett, heading his men, had no feel for such a triviality. Judge Thomas pulled his coat tighter around his bony shoulders. Hez Appleton's layer of fat kept him thoroughly insulated. Sheriff Smith was having trouble with his .45. The gun threatened to bounce out of its holster. He tried tightening the belt. That took some of the bounce out of it, but it didn't feel as good on his liver.

Brackett was busy with his thoughts. Now that he would control Post Hole Creek water, he would own the dealer's hand. And he was tired of Judge Thomas and Hez Appleton and their law. He had no admiration, and little use, for either of the shysters. They were playing him, he knew; and, because he could use them too, he had swung into line with them.

A man born and bred on the frontier, he was a man of violence—a cloak he covered by tailor-made suits and a ready smile. He had little use for the law or its opportunities or deficiencies. But he was smart enough to know that a man had to go about getting some things in a legal manner. He had used Judge Thomas and Hez Appleton, used their legal knowledge and their friendships with influential people. Now he had what he wanted, and he was done with them.

This knowledge was a bright spot in him. His men were men of the saddle; men who were bowed to leather, not men who bounced between cantle and fork like Hez Appleton, who saddle-galled as easily as did Judge Thomas. He had held himself penned up for a long time, when inside he wanted to settle this in action. Now, if the Square Butte crossed his path, it would mean gunsmoke.

He leaned back in saddle and thought of this. He had Casey—and Casey knew what a gun was meant for. He had other hands, too; men from the southwest, who had gone through wars there. Their [illegible] were good and warm, despite the wind.

They reached the crest of a hill. Now, below him, would be the reservoir. This wind would stir waves on it and lap water against the sandy beaches. They pulled in their horses and let them breathe. They were all silent for some time. Finally Hez Appleton broke that silence with his wheezing voice. "Where do you figure to build your house, Mart?"

Brackett lifted a finger, pointed to a wide spot below them. "Right there on that—" He held his finger rigid, staring. Finally his hand dropped slowly, and he looked at Judge Thomas, whose face was the color of dirty putty.

"There's a frame house down there—now," grunted Brackett.

"Wasn't that there before?" demanded Judge Thomas.

Sheriff Smith answered the ques-

tion. "No sir, that's a new shack, men. Heard tell in town this morning about it going up. Started it about two days ago, I reckon, and it sure looks—"

"Who's building it?" demanded Brackett hoarsely.

"Judge Bates, I hear!" Smith pressed his hand against his side. "Seems as though he'll have one of his men, Len Henburg, live there to make sure Mel Cox's homestead entry is okay—"

Mart Brackett swore loudly.

CHAPTER XII

NERO BUCKLIN had some surplus lumber from the sheepshed, and Judge Bates got this to build Len Henburg's house on Post Hole Creek reservoir. The jurist and the 'puncher had drawn plans that evening, seated at the table with the judge's jug between them. Next morning they had hauled lumber to the building site. The frame building went up rapidly.

"Company comin'," Henburg murmured.

Judge Bates had been driving nails in siding. He looked at the horsemen on the hill, spat the nails out of his mouth. "That's the whole damned court-house from Latigo City, isn't it, Tobacco?"

Tobacco nailed his end of the siding into place, put down his hammer and squinted. "Sheriff Smith. . . Hez Appleton. . . Judge Thomas. . . and Mart Brackett." He looked inquiringly at Judge Bates. "Now what do you suppose—?"

"Search me," muttered Judge Bates.

They watched the quartet ride down the slope. Behind them, from where they stood, they could see the Square Butte guards moving in toward the party, going from brush clump to rocks, carrying guns. The Latigo City men did not see the guards because the guards were converging behind them. With Brackett in the lead, they came into the clearing, pulled up and looked at the house.

Sheriff Smith, the only man to offer a greeting, grunted a brief, "Howdy, men, howdy."

"Uh-huh," muttered the judge. He squinted up at Mart Brackett. "Your face hasn't healed as fast as mine has, sir."

Brackett scowled. "Never came here to argue about how fast a bruise heals, Bates. Why build that house?"

Judge Bates squatted beside the half-completed wall. Tobacco stood to one side, blinking and chewing tobacco diligently Len Henburg leaned against the corner, his eyes sharp. Judge Bates glanced at the whiskey—still inside the house. They had put it there so it could not be damaged accidentally. He noticed that Judge Thomas was looking at the coil and the mash bin.

"We're homesteading this," said Judge Bates.

Mart Brackett was silent for twenty seconds. Had Judge Bates found out that Mel Cox's homestead entry ha been withdrawn? No, that was hardly probable. The cowman glanced at Judge Thomas, whose face was stony. "Thought Mel Cox had proved up on this quarter-section, Bates?"

"He did," admitted the jurist. "But we got some legal shysters on this range, and we're not taking anything for granted. There have been cases where a homestead entry has been declared void through error and discarded, thereby throwing that same piece of land open for settlement again. You've heard of that, I believe, Judge Thomas?"

Judge Thomas cleared his throat. "I have, sir."

Mart Brackett's face was the color of whang leather. He pushed back his Tom Watson. "Well, I'll be damned," he said. There was admiration for Judge Bates in his voice, and under this was a naked savagery. The jurist detected this and again marked Brackett as a tough man. "Are you settling here yourself then, Bates?"

"Not me. Len Henburg here."

Mart Brackett switched his shrewd eyes to the cowpuncher. Already he was building a plan. Legal action, he decided, was out. It was too slow and cumbersome, and when Thomas and

Appleton had devised it, then Judge Bates had already blocked it. "Have you filed homestead entry, Henburg?"

"Filed it two, three days ago, I reckon. You can check with the county land agent down at the courthouse; he's federal land man too, you know. He said that he was sending the claim to the federal office in Cheyenne right pronto and if there was an error in Mel Cox's entry, mine was to take the place next."

Mart Brackett nodded. Judge Cinchring Thomas regarded his horse's mane, running his fingers through it. Sheriff Ike Smith leaned on one stirrup, listening to his belly rumble. Hez Appleton's apple-colored red cheeks were redder than ever. Smith was the first to speak.

"Got a drink, Judge? This has been a long, dry ride."

"Sure, my jug."

"No, no, no, no!. . . If I took one sip of that fearful firewater—my liver, it would never be the same—I mean the good liquid, water. Have you perchance a canteen of it?"

"Nope. Only Tobacco drinks water. He gets it out of the reservoir. He lays down on his belly and drinks."

"But there's polliwags in there—and cow manure—"

Tobacco grinned, spat. "Adds flavor to it, Smith."

Smith thought. "I'll get a drink when I get home," he finally decided.

THE silence built up. A man came out of the brush, rifle in hand. He said, "You all want these buckos riding around on your property, Bates, or should I call in my boys and rough-house them out of here?" I'd like to beat the daylights out of that skinny buzzard!" He studied Judge Thomas much as a cat studies a cornered mouse.

"Here, here," said Judge Thomas, hastily. "Remember, sir, I represent the bench, the law—"

The man started forward. Judge Thomas reached for his gun. The man grabbed his wrist, twisted it, made the gun drop. He took the shells out of it and handed it back, grinning twistedly. "You boys better ride out."

"What did you come over here for anyway?" demanded Tobacco.

Hez Appleton said, "Just happened to be riding by so thought we'd drop in and see what was what." He laughed off-pitch.

Mart Brackett said slowly, "Well adios, men," and turned and rode off. Behind him came Judge Thomas and Hez Appleton trailed the jurist with Sheriff Smith in the rear, shaking his head in a perplexed manner. They topped the ridge and rode down it and met in a group in the coulee.

"Now how," asked Hez Appleton, "do you account for that action?"

Judge Thomas fingered his long nose. "I cannot account for it, Mr. Appleton, except that this Judge Bates is a legal wizard. He certainly leaves no legal stones unturned."

"Maybe this Will King gent warned Bates about this homestead entry—" Brackett considered that, shook his head. "No, that isn't probable; in fact, it's impossible." His eyes pulled shut reflectively. "I wonder if Len Henburg has filed a homestead entry?"

Sheriff Smith spoke. "I saw Len and Bates in two, three days ago. They went into the recorder's office and were in there for some time."

"They've filed it then," grumbled Mart Brackett.

Smith said, "I'm getting back to town," and rode off.

They waited until the sheriff was out of ear-shot. "Been hoping he would leave," said Mart Brackett roughly. "He knows too much as it is, I'd say. And we don't want him to hear anything more. What do you say is next, Hez?"

Hez Appleton let his cherubic face fall into thoughtful lines. Finally he came up with a decision. "I can see no legal steps to be taken to block this move."

Brackett switched his eyes to Judge Thomas. "And you, Judge?"

The lanky man swallowed his Adam's apple. He cleared his throat. "I see one legal recourse, sirs. Did you notice that coil and still inside the unfinished house? Evidently friend Len Henburg aims to run off

some batches of his whiskey." He scratched his long jaw. "Of course, he is selling—and making—whiskey without paying federal tax, without a federal license—"

Mart Brackett leaned back in his saddle. He gripped his fork with white knuckles. "Oh, Lord," he groaned. "I'm supposed to have legal talent in you two, and you come out with a crazy charge—some insignigicant thing—!" He kept a grip on himself by sheer will power. "What is that in *your* basement, Judge? Those coils and that mash hopper?" His voice grew harsh and tough. "I suppose you warm your milk each night on that before going to bed!"

"Sir, I'll have you—"

Brackett's .45 was out. "You'll listen and like it," he rasped. "I'm fed up on your legal rot. From now on out, it's action—and gunsmoke, if needs be! You're keeping your long nose out of this, you gray buzzard! And Appleton, you're my attorney; if I get into any trouble, you and the judge have to get me out. And don't think I'm using your legal advice because I like it. I'm using it because I have to." He holstered his weapon, smiling at Hez Appleton's pasty face. Blood had drained from his man's porkish jowels. But Judge Cinchring Thomas' sunken eyes were without expression.

"Suits me," croaked Appleton.

Judge Thomas nodded. "Well, we're due in Latigo City soon, Mart."

"Not me," declared Mart Brackett. "You two might be, but not me." He sat his saddle, big and staunch, and watched them ride off. He remembered his sudden anger and he smiled to himself. Then he rememberd that hard look in the judge's bagged eyes and he stored it in his memory. . . .

HE CAME into the Bar T late in the afternoon. The long ride had been hot, despite the lateness of the season,and he had changed broncs at a line-camp. He rode a long-legged dun, tough to the trail. He dismounted in front of the windmill and dropped his reins. The dun buried his nose in the cool water of the tank and drank, making a noise as the water ran around the bridle-bit.

"Where's the mozo?" Brackett demanded, talking to a puncher who just rode in from line-fence. The puncher shrugged. "Hey, old man, come get this horse!" hollered Brackett.

The mozo came out of the bunkhouse, rubbing his eyes. "Just taking a bit of shuteye, Mart."

"You're paid to stay awake—not to sleep! Put my horse in the barn and unsaddle him. Have another bronc handy if I make up my mind to use him right off." Brackett started for the bunkhouse. "Where is Casey?"

"I don't know, Mart. Far as I'm concerned, he could be dead and I wouldn't do any weeping." The oldster led the horse to the barn. Brackett asked of a 'puncher, "Where's Casey, Hank?"

"Saw him this afternoon out Bog Springs way. Riding the bog holes, I guess. He should be getting in now. Was riding the Crystal Butte country—our gather seems short out that way, Mart."

Brackett stopped, looked at him thoughtfully. "You don't reckon we're losing a few head now and then? I was over there about a week ago myself. Somebody might be cutting out a few now and then and driving them into Montana for beef to sell to some crooked Indian agent."

"Could be done, I reckon."

The squaw had supper ready. Brackett ate slowly, letting his plans build up. He mentally tested plan after plan, then discarded them as useless. There seemed only one way out. Post Hole Valley dam was still the key to the ownership of the basin. Whosoever owned the dam, owned the power to get the valley. Therefore the dam—and Len Henburg—were the center of his thoughts. These were two pivots, blended together to make one center: around this whirled the vortex of his thoughts. Due to Judge Bates' keen insight, the Square Butte had outguessed him and his cohorts. . . and done a good job of it.

The food was good. He pushed back his chair, his eyes ponderous, and rolled a slow cigaret, licking it

into shape. He touched the match to it and over the flame he studied the misshapen, fat squaw. She had been on this ranch for years—even before he had bought it—and this was home to her. Between them ran a strange form of attraction.

He said, "You're like another mother to me."

She spoke brokenly. "I like you. You are a good man. But sometimes your eyes are like hell. You are too big." She groped for words. He knew she had wanted to say *ambitious* instead of *big;* but she had not known the word. "The other man—the one that own this ranch before you buy—he got along with sheep."

He said, "Oh, I like sheep. About twice a month, I reckon. But I want them on a plate in the form of well-cooked mutton chops." He pushed his chair back. He walked to the window. His plan had come out of nowhere suddenly: he saw it bright and clear and the sun was sharp on it. When this was over with he would either own Post Hole Valley, be in prison—or be dead.

He stood there and watched his riders come in.

CHAPTER XIII

FOR OVER a week things had been very quiet on Post Hole Valley range. The lazy autumn days ran their short lengths and became night. Then another day. . . and the endless parade went on. Judge Bates and Tobacco Jones were busy. They were up with the sun and to bed with it. This was the busy time of the year. Soon the first fall snow would come. They would wake up some morning and see it out of the window. See it lying white and glistening, clothing the Wyoming range with a blanket of down.

The snow might stay a day, a week—or all winter. Or it might be gone by noon of the day it fell. A man never knew though and therefore it was best to have the herds close to the haystacks. For it is a difficult task—almost an impossible one—to move sheep through deep snow. A sheep cannot rustle forage as does a cow or a horse. They just bunch up in the high drifts and starve to death. Despite their heavy coats of wool, they can freeze to death too.

"Danged dumb brutes," growled Tobacco. "Don't see why two oldsters like you and me get tied into so much work, Bates. Here we could be a-settin' on our hinders over in Cowtrail—"

"And gathering moths," finished the jurist. "I'd rather go out working instead of sitting around and becoming an anchor-post for cobwebs."

They helped move some of the sheep down on the valley meadows. The haystacks had been fenced and the woolies could not get to them. They would graze across the mowed pasture and, if winter broke suddenly and it got cold, they would be close to the water troughs and feeding pens.

"You sure can't herd these things on a horse," grunted Judge Bates. He dismounted and led his saddle-horse. "Always did wonder why a sheepherder never herded sheep on horseback. Now I know. With a horse, he rides right over the brutes."

Tobacco slapped one with his coat. The sheep just kept on moving slowly. "Again I say they're ignorant," he declared. He stuck his chew into his left cheek and squinted off across the sun-browned, undulant hills. "Seems to me that this Brackett gent must have something up his sleeve, huh?"

"Probably got his arm up it."

Tobacco spat on a young ewe. The tobacco juice got in her eye. She loped away, shaking her head. The lanky postmaster smiled. "Finally got one of them above a walk; reckon that tobaccer must've stung her." He looked at Judge Bates. "You ain't funny a bit, Judge. Sure, he's got his arm up it. So did Wilkes Booth when he shot Abe Lincoln—or whichever Booth it was. He had his arm up his sleeve—and a gun with it, and mind you, Brackett has the same. He's waitin' for something, I tell you!"

"We sure outguessed him on that homestead deal," grunted the jurist. "Yeah, he ain't quitting, Jones. I figure he might make some move

soon. . . or he might wait for winter."

"What will he do next?"

Judge Bates thought. "I don't know for sure," he said.

"My Lord," said Tobacco, "you mean to tell me you—the Great Bates—are stumped, you haven't an answer—?"

The judge bounced his jug off a sheep's rump. He listened to the splash of the liquid inside. "Might have to drop in on Len Henburg and refuel," he said. "He's sitting pretty over there on the lake. Got his still running and I got some cane sugar from him the other day down in Latigo City. Those charred oak barrels sure age liquor in a hurry."

THEY herded the sheep down a lane between two section lines. They were easier to handle here. The fences on each side were made of about eight strands of barbwire, the bottom strands placed close together so no sheep could crawl in or out. Therefore there was no other recourse for the flock than to go straight ahead. One of them imagined he saw an obstacle. He ran and jumped at a particular post. When the rest of them went over that spot, they all jumped too. This brought a burst of genuine disgust from Tobacco.

"Look at them danged idiots, Bates! One of them goes crazy and jumps, and they all jumps."

"Reminds me of the people in big cities," said the jurist. "One of them get a crazy-looking hat or coat, and they all get a crazy-looking hat or coat. Them city people jam together like sheep, too. All get in one bunch and mill around and sweat and walk their lives in a circle."

One of the herders saw them coming with the herd. He opened a pasture gate and stood in the road, waving his arms to turn the sheep aside into the pasture. The leaders stopped and looked at him, then continued on again. The herder slapped them in the face with his coat and finally got the leaders turned to go through the open gate. Once the leaders got through, the rest of the herd followed them. The sheep branched out and fell to cropping the mowed alfalfa.

Judge Bates uncorked his jug and drank. They stood on the edge of the western foothills, and from here they could look across the broad expanse of Post Hole Valley. The jurist was no expert at judging the number of head of sheep in a flock. Had it been cattle instead of woolies, he would have been able to instantly judge almost to the number of head in a bunch. But he was sure of one thing: He might not be able to judge accurately the amount of sheep the Square Butte ranch ran, but he knew it was a big number.

For sheep were coming in on the valley floor. He could see them across the distance, coming from the eastern foothills across the basin. And already the valley was dotted by them as they grazed. He turned to the herder, a wizened dried-up Basque who had followed sheep all his life, starting in the Pyrenees of Spain.

"How many head, Paul?"

The thin man shaded his weather-dulled brown eyes. "About forty thousand here; no, about forty-two thousand, maybe. And there must be more than ten thousand out yet. The Buck Creek herd hasn't come in. Neither has Lone Pine. And about four other small herds out, I guess." He looked at the sky. "Soon the Snow God gets mad and sends snow on us and winter will be here."

The herder ran to head off some sheep, his dog with him.

"I'm going over to the reservoir," said Judge Bates, "and see Len and see how that last batch ran out. Where you going, Tobacco?"

"I'd go home but that Peggy woman—"

Judge Bates' belly shook with laughter. "So that old girl is camping on your trail, huh? Well, she's at the age where she'll grab at anything to get a man, and I guess you'll do . . . in a pinch."

"Bates, I ought to beat your—"

"Here, here, Tobacco!" The jurist sobered suddenly. "I've seen her great liking for you, pard. Well, we might be out of here in a few weeks . . . maybe a day or two. I wrote to the

governor and told him the trouble here and he said he'd see to it that a few soldiers got stationed in Latigo City and that they would be ordered to keep order. When they come, we can leave."

"Good idea, Judge." The postmaster smiled ruefully. "If there was only a soldier here not to keep this Peggy woman at a distance, it would be all right with me. Despite the fact I don't cotton to liquor or its drinking, I'll ride with you over to see Len Henburg—that's better than going back to the ranch and looking at Peggy's homely face."

"Not to mention her form," added the judge.

THEY rode across the valley, heading for the dam. The wind was cold and shrill, and both of them wore their mackinaws. Judge Bates' feet were cold and so were his hands. "Man'll have to wear his overshoes and mittens in a short while. Fact is, a man would be comfortable if he had them on right now."

Tobacco smiled. "Why not take a snort?"

"Was looking for a good excuse to take another drink." Judge Bates raised his mug and imbibed. "Ahhh . . . what a bit a genius Henburg has in his fingers. I dare say that if he had such genius for painting, another El Greco would adorn the art galleries of the world with his marvelous works."

"Who's El Greco?"

Judge Bates did not answer that. Tobacco Jones' artistic side had been sorely neglected, he thought; it was too late now to attempt to educate the postmaster. They followed the wagon road that led along Post Hole Creek. Some of the cottonwoods still had a few leaves. They fluttered down, brilliant in the thin air. A covey of grouse flew out of the grass on an irrigation ditch. A flock of mallards had landed on the north tip of the reservoir and were digging in around the cat-tails, getting a meal before continuing on their trip south where they would winter in a warm climate where water did not freeze.

The judge pulled in his horse. "By golly, those birds would make a mighty fine meal, Tobacco."

"Well, you've got your shotgun, Bates."

The judge studied the ducks through critical eyes. "All mallards," he said slowly. "Look at that big drake—swimming so grand! Evidently they have never been shot at, or else we couldn't ride so close to them."

The ducks had resumed their feeding. They were about fifty yards away. The distance was too far for Judge Bates' sawed-off shotgun. With its short barrel, the gun let pellets go out on a tangent, instead of holding them together as does a full-bore shotgun. The judge dismounted.

"You stay here, Tobacco. I'll try to sneak up on them." He untied his shotgun and went forward, his fat body bent so he would be closer to the ground. Tobacco watched the ducks, ch wing thoughtfully. Despite his bulk, the judge managed to advance unseen, screened by the high cat-tails. Suddenly he straightened, only about fifteen feet from the ducks. Surprised, they quacked, rose with whirring wings.

Judge Bates raised his shotgun and fired one barrel. Two ducks left the flock and fluttered down, landing in the cat-tails. The flock flew north, leaving the water behind and flying over the shore, and the jurist's shotgun spoke again. One duck tumbled to the earth, and he was the fat drake. The rest scurried across the horizon and out of sight, heading south ahead of schedule.

The judge gathered his kill and walked to his horse, holding the mallards by their necks. "Cheap meat," he said. "Just two shells from Betsy." He dug in his pocket and came out with two ten-gauge shotgun cartridges and reloaded the weapon, then tied it to his saddle. "Now to Len Henburg's for a duck dinner."

THE GUARD spoke to them as they rode down on the reservoir-house. Henburg was not inside and the judge lifted his voice. He got an answering holler from a dugout behind the house. Henburg came out,

holding a piece of coil in one hand. He said howdy and wiped the sweat from his forehead.

"This is a cold day," said Judge Bates, "and you're not supposed to be sweating, Henburg, in weather like this."

"Danged coil got plugged," said the bootlegger, "and I had to clean it out. And that firebox under the mash-boiler isn't any too cool when a man has to work close to it. Duck dinner, huh?"

"You et yet?" asked Tobacco.

"An hour ago, I reckon. But a nice bit of mallard would go good." He blew air through the coil. "Got it open now. Want to give me a hand, Bates?"

"Sure." Then, to Tobacco: "You go in the shack and get those ducks ready. We'll be in directly."

"Yeah, when I get them all picked and cleaned, and in the pan. Then you'll come in and fry them and claim all the honor of cooking them."

Judge Bates and Len Henburg went into the dugout. Henburg had worked hard, digging a good-sized room back into the clay hill. He had braced it with cottonwood. He had a lamp on a table. Its yellow rays showed the still in one corner. There was a small outcropping of lignite coal back in the hills and Henburg had got a bucket or two of this. He had another lamp under the mash. Over the flame he had built a small hopper and in this he had some tiny bits of coal. The flame from the lamp kept them ignited and they burned with a slow, even heat to warm the mash.

"What you got in the mash-bin?" asked the judge.

"Got some corn from a farmer way down south of here," said Henburg. "He hauled it into town to feed his cow—his kids go to school there in the winter—and I heard about it and he sold me half a sack. Never have made corn whiskey that I remember."

Judge Bates wet his lips. He peered into the bubbling mass of corn and water. "Got the yeast in it yet?"

"Yeah. . . ." Henburg fit the coil into place and stepped back. "Already got the first run-off, Bates, but I'm throwing it away. Might be some fusel oil in it and anyway, I always throw off a gallon of the first runnin'. Otherwise, I'd let you sample a snort of it after I'd run it through a barrel for aging."

Judge Bates was eyeing the setup with a gleam. "You know, Len, I might come out here and spend the rest of my stay here with you. Of course, I'd miss young Lem and Lucy, but I'd like to get the secret of your brewing success. You know, I've spent thousands of dollars for hard stuff, and I've still got to find a brand that will come close to yours."

"You tell that to all the bartenders," said Henburg.

JUDGE BATES sat down. Henburg had a barrel on a stool. The judge got a tin cup and put it under the spiggot and started to turn it, but Henburg caught him in time. He took the tin cup.

"No, Judge, never put whiskey in tin. Whiskey loses its true taste when it contacts tin." He handed him a glass. "Here, use this."

"Knew that, too," grunted Judge Bates, "but I just forgot." He drained off a quarter-glass of the amber liquid, held it up to the light. "Fine color, Henburg, and fine body." He drank the entire amount with one toss. He rolled his tongue reflectively. "And fine taste, too, I assure you."

"You never even tasted it," accused Henburg, "'cause you drunk it too fast. Better fill your jug with that." He wiped his forehead and studied his equipment carefully. "Should perk along okay now. What say we amble into the shack, Bates?"

Judge Bates lifted his hand. "No, no, sir, no. Tobacco is busy with those ducks. Did you, perchance, ever pick the pinfeathers from a duck?"

"Yeah, there's a million of them. They're little fellows and you have to get pinchers sometimes to get them out."

"Then, my friend, you know your ducks. Sit down, sir, and rest your weary bones, you are performing a

yeoman's duty here, and I am indeed grateful to you. One of those ducks was a drake. A fine bird, but when I looked close at him, he was filled with pinfeathers. What a tedious job that would be to pick him."

"Hard to prepare for the pan, huh?"

"An endless job. Sit down and drink, sir?"

Henburg squatted against the dirt wall. "Cooler over here," he said. He looked at his equipment and Judge Bates read the pride in the man's eyes. "Best place I ever had to run out a batch or two, Bates."

"Glad you like it, sir. A drink of your own make?"

"Don't mind if I do."

They both drank and then sat there silent. Each respected and liked the other. One took immense pride in his legal achievements; the other a great pride in his whiskey-making ability. Both were specialists in their own field, and though those fields were not closely related, each admired the ability and intelligence of the other. They sat there and drank until Tobacco Jones finally broke the silence with his bellow.

"They're in the pan, Bates; take over!"

CHAPTER XIV

MART BRACKETT reached Latigo City by noon. He held a brief conference with Hez Appleton and Judge Cinchring Thomas, outlining his plan in short sentences. Appleton leaned back in his wide chair, his jowels hanging. He closed his eyes and listened, and Brackett found himself wondering what composed the obese attorney's thoughts.

Judge Cinchring Thomas cleared his throat. "Arummmph . . . , Brackett." He drummed his long fingers against his desk. "A violent measure, but one purported to win the basin for our forces." He studied it and saw his own place in it. If this went through, there would be no direct charge against him . . .if the plan backfired. He would be safe. His gaunt face showed a smile. "Sounds all right to me."

"Outside of the law," mumbled Hez Appleton.

"We've played inside the law," declared Brackett, "and we've lost almost every hand." He had thought this plan through carefully. "I think it might work—it has to work."

"It all depends on Casey," said Judge Thomas. "In his success as a killer lies our failure or accomplishment."

"Don't like it," stated Hez Appleton.

Brackett stared at him in anger. "Frankly, Appleton, I don't give a damn whether you like it or not!" He caught his temper in time. "Fact is, don't ever press me to recommend you as a lawyer. I'd hate to tell what I think of you."

Appleton studied his fingers and was silent.

Brackett got to his feet. He was big and tough and sure of himself. He said, "So long," and went down the hall, his spur rowels chiming and his boots hard on the floor. Sheriff Ike Smith was in his office, sitting bent forward in his chair and gloomily looking at his boots. Brackett looked in and said, "Hello, Smith. How are you?"

"Not so well."

"You'll live till you die!" Brackett went on down the hall. The land-agent was in. Brackett said, "I want to file on a quarter section of land, Gus."

"I thought you'd used your homestead rights?"

"Never have."

The man pulled his book of maps out from under his desk. "Where is this one-hundred-and-sixty at, Mart? Must be back in the hills because all of the valley land has been taken up and proved up on."

Brackett turned the map around and studied it. He found Post Hole Creek, followed it south down the valley, then put his forefinger on one spot. The land-man squinted at it over his spectacles. "This is the spot," said Brackett.

The man peered at the map. "Why, hell, Mart, that land has been taken up twice. Mel Cox had it once and his deed with withdrawn and now

Len Henburg has filed on it and living on it according to due provision of law. That's where the Square Butte outfit built Post Hole Crick dam. . . ."

"You ain't telling me anything!"

"But with Henburg on it—"

Brackett's voice took a steely edge. "Now don't start arguing with me, Gus! I've been around this country for a few years. I'm filing second homestead rights on that section. That is, unless somebody else has already filed them."

"This new feller—this Judge Bates—had a Square Butte sheepherder in here the other day to put second rights on it, but I looked it up and the fellow had already used his homestead rights on Willer Crick. Bates said he'd be back later with a fellow with good rights, but he h'ain't showed up yet."

"Oh, I see." Brackett was thoughtful for ten seconds. "Well, get me the papers—I'm signing on the dotted line, because if something should happen to Len Henburg—a heart attack or a bronc fall on him and kill him—I'd want the place."

THE OFFICIAL got the necessary forms and Brackett signed them. "Mind now, keep this to yourself, Gus, and it means a nice fat beef this fall—a Bar T steer—all skinned and drawn and quartered, hanging in your root celler, a gift of the Bar T. That a deal?"

"Sure is, Mart. Anything to keep from buying meat from this butcher here in town. Don't know how many hundred times the old woman has bought his thumb without owning it. Yeah, my mouth is shut, feller."

Brackett went out. He got his horse and rode toward the Bar T. The wind was cold, and snow clouds were banking in the northwest. He untied his mackinaw and donned it and put his bronc to a long, mile-covering lope. He glanced back when he reached the foothills. Square Butte sheep were all on the meadows below. He had turned some cattle in on his hay grass. When he got control of Post Hole Creek water, he would have the valley. The Square Butte could not build another dam below the one he would own. The hills ran out there and there was no site for a dam below the present one, and besides there was little water that went over the spillways and the creek below the dam was just a small trickle.

He thought, we'll have snow soon.

He was tired when he rode into the Bar T. The harshness of the fall wind had made his face red. Riders were drifting in, cold from the wind. Most of his hands were already stationed in line-camps and ready for the blizzards and snow. Some were back in the rough country, ready to turn the stragglers down to the feed pens on Post Hole Valley. Others were in the Valley and their jobs would be to pitch hay to the bawling, cold cows when winter came.

He said to the mozo: "Where's Casey?"

"He's drunk," said the old man. "Rode in about two hours ago, just a-hangin' ontuh his saddle horn, he was that drunk. He must've been visitin' that whiskey-maker back on Down Crick, I guess, and he sampled too much of the man's wares."

Mart Brackett stepped down. He unbuckled his angora chaps, kicked out of them—hung them and his spurs on a hook. He was wondering just how this drunk spell of Casey's would fit into his plans. Casey seldom drank. Once every two years or so he would go on a hell-bender of a drunk. And when he did, he got bitter and mean—his tongue was sharp as acid. Brackett had long held a theory that somewhere, back across the years he never mentioned, Casey had run into some misfortune, some setback, that had changed his personality.

"Where is he now?" he asked.

"He went to the bunkhouse." The mozo hung Brackett's saddle on the saddle-rack. "Looks a lot like winter is here, Mart."

Brackett murmured, "It does," and went to the bunkhouse. He had bought a quart of Old Crow in Latigo City and he carried that in one hand, making no effort to conceal it. There was a warm fire in the pot-bellied heater in the long building that was

lined by bunks with their owner's gear beside them. A few of the men had come in. Some lay on bunks, reading or sleeping; others mended boots and sewed on buttons. Four played cards at the table in the corner. Casey was there, and Brackett went to him. The gunman looked up through drunken eyes.

"How about a drink, Mart?"

BRACKETT uncorked the bottle. He winked at one of the players. "What've you been drinking, Casey? Bitter Creek water?" The bottle went the rounds. Casey drank quite a bit.

"You mean to play that ace?" a puncher asked Casey.

"No, I—" Casey reached out and took the card back.

A man growled, "A play's a play."

Casey snapped, "To hell you say! I'll play what I like when I like—"

Brackett saw trouble ahead. He put a hand on the gunman's shoulder. "Come on up to the house, Casey. We'll sink the water-line on this bottle a little, and eat supper."

Casey said, "This fellow is looking for—"

The puncher leaned back. "I'm not looking for trouble, Mart," he assured. "But if this fella wants some—"

"Forget it, Casey." Brackett's voice was authoritative. "Mosey up the house with me and see what is what."

Casey said, grudgingly, "All right, Mart." He shoved in his chips and the dealer counted out his change. Casey stuck it in his pocket. He almost lurched as he followed Brackett outside and up the walk into the house. "Gonna snow danged pronto, Mart, and this climate sure don't suit this buckaroo's clothes."

"Where does it fit your outfit, Casey?"

"Mexico City, Mart. Ever been there?"

Brackett had been in Mexico City a number of times. But he said, "Never have, Casey."

"Wide streets," mumbled Casey. "Nice and warm, lots of sun. A man can buy anything—even a woman—for a few *pesos*. . . ." They entered the house and the squaw looked out of the kitchen.

"Want supper, Mr. Brackett?"

Brackett said, "Yes," and sat down. Casey took a chair close by. He said, "Open that bottle again, Brackett?"

"Better eat first, Casey."

Casey considered that. "All right," he said at length.

THE SQUAW had a good dinner. And Casey, used to the cooking of the Chinese *cocinero*, did full justice to the victuals. After the meal was over, Mart Brackett brought out his cigars, and Casey rolled the smoke between thumb and forefinger and lighted it. He was sobering quite fast.

"Cold out," he said.

Brackett said, almost slowly, "There's a way to get to Mexico City, Casey, and have a stake when you get there, too."

Casey studied him. "You talk like a damned fool, Brackett. My wages won't see me there, and there's nothing in my sock. I looked in it today and it's empty. Ran my hand out the hole in the end, I pushed it in so hard." He puffed on his cigar. "But I'm receptive, like the girl told me once in El Paso. What's on your mind beside your Tom Watson?"

Brackett got to his feet, rolling his cigar between his lips. The time was ripe, he figured. The squaw was in the kitchen, washing the dishes; she could not hear them above their clatter. He walked to the window and looked down on Post Hole Valley. The basin spilled across space and became lost in the dusk. He turned. "How much do you need, Casey?"

Casey's eyes were shrewd. He was feeling Brackett out. There was something here he did not quite understand. He decided to play his cards close. "You explain your proposition first, and then I'll talk."

Brackett did.

CASEY leaned back, eyes speculative. He said, slowly, "Oh, that's it," and then he let his pause grow heavy. Finally he said, "Three

thousand—no, four. How does that strike you?"

Brackett feigned consideration. Casey could have received double that sum had he so stated. Therefore Brackett went slowly. "How about splitting that and making it thirty-five hundred?"

Casey said, "All right, Mart. When do I leave?"

"Get a good night's rest," said Brackett. "Load your saddlebags with grub and take any horse on the ranch you want, outside of my big gray. What gun do you intend to use?"

"My rifle. Winchester .30-30."

"Wouldn't a short-gun be handier?"

Casey said, "I've got a silencer with my rifle. Once I get past those guards, they'll never hear the sound of my gun. When do I get the money?"

Brackett considered that. "I'll give it to you when you leave. All of it. But if you just ride out with it—if you don't go through with this—" He was smiling, but it was not a pleasant smile. "I'll ride you down my own self and cut your throat and hang your liver up to dry. . . ."

Casey drank from the quart. "I want my liver," he said dryly. "I don't want to be in the same shape Ike Smith's in. I'll do my end, Mart."

"Good man," murmured Brackett.

CHAPTER XV

CASEY was not the man who would ride into anything dangerous without scouting the lay of the land first. He spent most of the next day on a high butte, watching the dam through his field glasses. His rifle beside him as he lay on his belly, he spotted the guards, fixed their locations in his mind, and built a plan of attack. And in this way he fixed a route to take to trick the guards, come to the cabin and kill Len Henburg. Then following that same route out, he would get his horse and hit south.

He planned to kill Henburg immediately, shooting him from behind if needs be. He had tried his silencer out many times. With it on the barrel, his rifle made just a small *whoosh*. A man standing thirty feet away would not have heard its report. And he didn't want Henburg to get in a shot. Because if he did, then the guards would come down on the cabin—and Casey did not want to shoot his way out. He thought of the bills in the money-belt around his belly. A dead man can't spend money in Mexico City, he reasoned.

He had seen Judge Bates and Tobacco Jones ride in, had seen the judge shoot the ducks on the far end of the reservoir. He had seen the guard challenge them as they rode in. He had watched the men enter and leave the cabin, going to the cave where the still was working. Once he had raised his rifle and laid his cheek against the smooth stock and drawn a bead on Len Henburg. He had held it for some time, his forefinger crooked around the trigger, and he had laid the sights against Henburg. But the wind was blowing a little too hard and that might deflect his bullet. So he lowered the Winchester and waited for night.

The wind was raw and cold and he drank often from the bottle in his mackinaw pocket. His toes were cold despite his overshoes. He glanced at the sky and noticed that the sun was hidden behind clouds. He wanted this over with, and he wanted to ride south—but he could not kill Henburg until Judge Bates and Tobacco Jones had left. He had to wait until the man was alone.

He hoped that the jurist and the postmaster would not make up their minds to stay all night. Then he discarded that thought: the cabin was very small and there would probably be only one bed in it. At dusk the new guards came on duty, riding across the basin from Square Butte. The others rode back. Still, Casey waited, a raw impatience inside. He took another drink; the whiskey warmed his cold guts. But he made sure that he didn't drink too much. He wanted a clear head and a steady hand for the job ahead.

Finally Judge Bates and Tobacco Jones rode out. Casey watched them closely. Then he looked at Len Hen-

burg, who stood in front of his shack, watching them leave. Henburg went into the cave and then came out and entered his cabin.

Casey thought, Now is the time, and he went down the slope, carrying his rifle.

THE BUCKBRUSH here was high, but not very thick. It had grown up, seeking the sun above the rocks; then it had spread out, building an umbrella over the ground. A man could move through it easy enough, and the spread of it over his head would screen his movements. Besides, he knew where each guard was located. Casey worked quickly. Once he crouched beside a sandstone. He got his bearing, then went ahead. He came to the house on the side of the cliff. He went along it, and came to the window. Henburg was not inside. Although the interior was gloomy with dusk, Casey could see the insides of the cabin rather clearly.

The door opened and Len Henburg came in. He had been to the reservoir and he carried two buckets of water. Casey noticed that he wore his .45 but that his rifle stood in the far corner. Henburg put the buckets on a bench along the wall and went to the stove, poking the coals into life as he put more lignite on them. Casey went to the front door. He stepped in with his rifle raised and said, "Henburg, turn around, fellow!" His own voice was heavy in his ears.

Henburg turned, his hand on his .45. He studied Casey for some time, and then surprise left his eyes. "What are you doing here, you damned Bar T killer?"

Casey said, "This!" and his rifle went whoosh, whoosh. The sound was a sibilant whisper against the cabin's walls. Both bullets hit Len Henburg, who was drawing his gun. Henburg went back. He hit the wall and that stopped him, but he had his gun out, and the blast of it rocked the cabin. The bullet hit the floor at Henburg's boots. Then Henburg fell against the wall, and Casey shot him twice through the head. Casey drew back against the wall and reloaded hurriedly and listened.

A guard was hollering, "There's trouble down there! Hey, Henburg!" Casey heard boots coming. He had to move and move fast. He went out the back window, breaking the pane with the butt of his Winchester. He climbed outside and hid in the brush, and waited for ten seconds.

"Maybe he was shooting at a rabbit," said a man. Casey could hear him and another guard crashing through the brush. They passed not more than twenty feet away. Other men were converging on the cabin. But the way out was clear for Casey now. The single shot from Henburg's .45 had drawn them all down to the cabin. He ran toward his horse, bent over as he broke the brush apart, his rifle in hand. He had the animal hidden back on the ridge. He found his stirrup and swung up, and then he looked at the cabin below. He could barely see it in the gathering night. Beyond it he saw two riders loping hard toward the building, riding along the shore of the reservoir. And despite the distance he recognized them as Judge Bates and Tobacco Jones.

Heard the shot, he thought, and they're coming back to investigate.

But this was no place for him. He turned the big horse, pointing him south, and hit him with his hooks. Night would form a protective coat around him and by morning he would have put almost a hundred miles behind him and this cabin. He knew that word would go out along the telegraph lines on the Northern Pacific and the Union Pacific, warning lawmen throughout Montana, Wyoming, and Colorado—yes, and in South Dakota and possibly Nebraska—that this murder had been committed. A grin touched his cold lips. Nobody had seen him and therefore no description would be possible. That thought made him change his mind. He would ride openly south to Cheyenne. Except for around the locality of Latigo City, he was known by few people in Wyoming. Prior to his coming on this range, most of his days had been spent along the Mexican border. This was a fact in his favor.

He rode fast, riding with a recklessness through the darkness. The wind was cold, slashing across the hills and the buttes, and growing a little stronger. He knew that later on in the night it would probably die down. There was a spit of snow in it, and he felt a flake on his neck. He wondered if it would be best if it snowed or if it didn't snow.

He decided that snow would be against him. It would be all right if the wind blew, for then it would blow his tracks away—but if it didn't blow. . . . Then his tracks would lie in the whiteness and be plain for any possible pursuit.

He was about five miles away from the cabin when the snow really started. And, with its coming, the wind fell back, finally died. The snow fell in rags that fluttered lazily to the earth and built a protective cover over the hills. He spurred his horse hard and rode the ridges. Here the wind would sweep the ground bare and leave possible trailing impossible.

Two hours later, many miles stretched behind him. He left the rimrock, sending his bronc down a steep declivity. The brute was tiring. The treacherous trail, coupled with the hard night ride, had taken the edge from him, although he still had stamina and distance left if taken at an easier gait. But unrest and harshness were traits of Casey's makeup on this night. He rowelled the beast down the slope. The horse stumbled over a boulder covered by snow, and he went rolling down the slant. Casey left the saddle, jumping clear to keep from being crushed. The horse got to his feet, trembling despite the cold weather, and Casey saw that he favored his right foreleg. His first concern was over the horse's ability to travel. He led the animal a short distance, and the beast limped badly. His next worry was his rifle in the saddle scabbard. He pulled it out, fearing the fall might have cracked the breech, but it had weathered the tumble in good shape. He mounted and rode on.

His horse was done for. He could hit a trot, but it was a miserable attempt. Casey cursed and reached for his bottle. He had had it in a saddlebag. The fall had broken it and the leather bag was wet with whiskey. The gunman finally recovered his sanity. He needed a horse, and he needed one badly. And if he didn't get one—and pursuit was building behind him—He rubbed his throat unconsciously.

The snow had abated somewhat. He wondered what time it was and decided it as quite a ways from midnight. He had been through this country on his way north to the Bar T, and he remembered that a cattle outfit ran stock in this section. He judged the home ranch to be about straight south. He had been riding toward a low line of hills that he had seen through the night. The snow had made the terrain whiter and now the rim of a moon was rising.

He figured the ranch was somewhere in those hills. But they were still about fifteen miles away, he reasoned, and when a man is riding a lame horse. . . . He drew in then and looked at a light in a cabin set along the edge of the hills ahead. And as he watched, the light went out.

He neckreined his limping horse that way, riding as fast as his horse would permit. He did not ride openly in on the cabin. He held his bronc in the brush and looked at the spread. A log cabin, evidently a line-camp; behind it was a brush lean-to, evidently a barn. He saw a haystack and then he knew it was a barn. There would be a fresh horse there, he figured.

He dismounted and, carrying his rifle, he went to the lean-to, leaving his horse back in the hills. The warm smell of horses and rotting manure and hay came to him as he stopped just inside the door. Horses were chewing hay in the manger; he saw them when his eyes cleared—two of them. He heard something else, too; a man was snoring in the cabin. Casey smiled. The fellow had just gone to bed and now he was asleep. Better for me, he thought.

He selected one of the horses—a dun gelding—and he led him outside. The horse was grain-fed and tough. He led him to where he had hidden

his horse. He unsaddled his animal and put the kak on the dun. He transfered the dun's hackamore to his horse and then, mounted on the dun, he rode south again, leading his crippled horse. He did not lead him far—only about three miles. He rode up a gully and dismounted. He tied his crippled horse to a tree, walked back a pace or two, and shot him between the eyes. The horse grunted and fell. Casey got out his skinning knife. He cut the Bar T brand out of the horse's hide and then rode on. When he got a mile or so away, he threw the piece of horsehide into the snow.

Somebody would find the skeleton of the dead horse come spring after the coyotes had chewed it. That would be all right. But, if some rider found it before the coyotes got to work on the carcass, that puncher would not find the Bar T brand on it. He would never know that this horse belonged on Bar T range. Nobody would be suspicious that Casey had ever ridden through this locality.

The day before, when he had ridden through Latigo City, he had stopped at four saloons, drank up and announced his decision to go north into Montana in a day or so. Therefore, if suspicion of Len Henburg's killing did center on him, they would probably look for him in Montana. That is, if suspicion should be on him—he checked back, decided he was thinking wrong. . .only one man knew, and that man was Mart Brackett. And maybe Hez Appleton and Judge Thomas.

Casey thought of these two. He had the instinctive dislike toward them that an outdoor man carries toward soft-handed townsmen. But he dismissed them from his mind. His throat was dry. He needed a drink.

He pointed the dun south.

CHAPTER XVI

THREE days after the killing of Len Henburg, Mart Brackett rode into Latigo City. A great contentment sat in the saddle with the big rancher. From his office at the Bar T he had kept in touch with developments by messages sent out by Hez Appleton and Judge Cinchring Thomas. And the setup had turned out just the way he wanted. Len Henburg was dead and Casey had left the country. And Brackett's claim had been established legally on Post Hole Creek dam.

"Nero Bucklin is fighting your claim," Judge Thomas had written in one note. "But of course he hasn't a legal leg to stand on. I have contacted Cheyenne and have an eviction notice to keep him and his gunmen away from the reservoir. Post Hole Creek water is ours."

The snow had fallen for two days but now the weather was clear. A chinook wind was cutting the drifts. In a day or two the snow would be gone. Then Indian summer—those weeks of warm fall weather—would be on this Wyoming range. Brackett dismounted and tied his horse in front of a saloon. He went inside and ordered a beer.

"Find out who killed Len Henburg?" he asked the bartender.

"Nary a trace of the murderer, I guess. Sheriff Ike Smith was out for a while this morning, had a posse—came back right after dinner empty-handed. Whoever's killed him has made good his escape."

Brackett did not press any more questions on the man. He had found out what he wanted to know. These Post Hole Valley people might suspect him of being involved in the death, but it took actual evidence to hold and convict a man in court. After a while, it would all blow over.

He paid for his beer and went to the courthouse. Sheriff Ike Smith was looking out the window at the snow. He had a bottle in his hand, shaking a pill out of it, and he took it, his Adam's Apple bobbing as he swallowed.

"Liver pill," he said.

Brackett said, "What do you know, Ike?"

Smith thought, said, "Not much, Brackett. Not much."

Brackett went to Judge Thomas' chambers. The office had two doors: one that led into a hall the other into the judicial office. When he entered the hall, he could see through the open door into the judge's office. Hez Appleton was in there, talking to

Judge Thomas, who saw him and got to his feet. Brackett came in, closing the door behind him, and Judge Thomas pumped his hand enthusiastically.

"Welcome, boss of Post Hole Valley."

Appleton looked up. "Howdy, Mart."

Brackett nodded. He walked to the window and looked out on Latigo City's main street. He felt restless and he did not know why. He turned. "Well, I guess it worked. Casey must be out of the country by now. I suppose you have held the coroner's inquest over Henburg?"

"Yesterday," grunted Appleton. "Verdict: death at the hands of unknown person—or persons. No warrant; no one to serve one on."

Brackett studied the attorney. "You don't seem very happy, Hez," he said quietly.

APPLETON got to his feet. He waddled to the door, jerked it open—there was nobody in the hall. He started out into the hall and Brackett said, "No use trying that door, I locked it."

Appleton came back. Brackett asked, "All right, Hez, talk."

"They're suspicious of you," declared Appleton huskily. "Right now this town thinks sure you had something to do with Len Henburg's murder. Then when your claim came along on the dam—well, that cinched their suspicions."

Brackett's voice was ugly. "All right, Hez, you've had your say, fat boy. Sure, they suspect; but what good will that do—where is their proof? They ain't got none; they won't have none! Not unless you open your big mouth—" Brackett grabbed him by the collar and held him. "If you even think of talking I'm beating that fat face of yours in and kicking you to death!"

Judge Thomas cut in hurriedly. "Here, here, friends. There is no need for this display of distrust, this show of unfriendliness!"

Brackett gave the attorney a hard push. Appleton plopped his ample bottom down in a chair. Brackett asked, coldly, "You understand, huh?"

Appleton rubbed his neck. "Don't take it so hard, Brackett, I'm in on this, too. Things worked out the way we expected. Henburg is dead; you own the dam. But there's something we've all overlooked."

"And that?" demanded Brackett.

"Judge Bates and Tobacco Jones. Where are they—what are they doing—where did they go? They haven't been seen but once since Henburg got killed. And that was south of here, around Mission Butte."

Brackett considered. "Who told you that?"

"A Circle Bar N man. Came into town to get some grub. Claims he saw them over on Mission creek, day after Henburg got killed—and they were drifting south."

Brackett scowled. "Probably just a coincidence," he finally said. "They probably headed back to Cowtrail, that's south of here. I heard tell they aimed to ride back soon, and they might have left before Henburg got his, and they may not even know about it yet."

Appleton kept on rubbing his neck. Judge Cinchring Thomas cleared the phlegm from his throat. "That is undoubtedly the answer," he assured. He stared moodily out of the window. Suddenly he sat upright in his arm chair. "Do you see what I see?"

Brackett turned sharply, stared out the window. "What in the—?" His voice was startled.

Appleton could not see the window. He got up and shuffled across the floor, his jowels bobbing in his hurry. He too looked, and the man's heavy cheeks turned the color of gray paste.

"Three men. . .on horseback." He was peering as he talked. "Judge Lem Bates, that's one; the other is Tobacco Jones. But who is that third man—the one riding in between them—?"

"Casey!" snapped Brackett.

Hez Appleton turned dazed eyes on the rancher. "Now what do you suppose—? They've followed him and caught him, huh?"

Brackett caught his runaway nerves in time. "This means the noose—or a pen term—for all of us. So that's where those two hellions were?

Trailed him and caught him, and now he's back here and with what he knows—Wonder if he has talked? He might have kept what he knows to himself. . . ."

"He's close-mouthed," croaked Judge Thomas.

Standing there, they watched the judge and Tobacco dismounted in front of the hotel. The judge called to a passerby. The man turned and ran for the doctor's office. Then the jurist and Tobacco got Casey slowly down from the saddle. The man lopped in their arms.

"They've wounded him," growled Brackett. He turned on his confederates. Hez Appleton's pasty face had recovered a little color. Judge Thomas was swallowing, preparatory to speaking. "We got to kill him, men. Even if he has talked, and we kill him—well, he won't get up on a witness stand, and talk. Second-hand evidence from somebody else isn't as damning as first-hand evidence."

"Maybe we can get out of town," grunted Hez Appleton.

BRACKETT said angrily, "Talk sense, Appleton. With this snow on the ground they'd trail us to hell and back. That's what spelled Casey's downfall—this damned snow. They'll take him inside and put him to bed. They they'll report it to Sheriff Smith. Judge, you get over to Smith's office right now, be there when they come in. You go too, Hez. I'll listen to what comes out over the transom."

"They're coming out of the hotel," said Appleton, "and are coming this way. We better get over there, pronto."

Judge Thomas and the attorney went into the hall, with Mart Brackett following them. The big man was angry and his strong face showed his ire. He had collected his brains again. There was still a way out of it. If Casey hadn't talked, then he and his outfit were clear of actual legal evidence against them, calling for Len Henburg's death. He would kill Casey and silence him.

And if Casey had already talked—Brackett decided to kill him anyway, and kill him fast. That would keep him off the witness stand, at least. He leaned against the door, listening. Judge Thomas and Hez Appleton were talking with Ike Smith. Evidently Smith had not seen Bates and Jones ride into town.

Brackett heard boots coming down the corridor. That, he decided, would be Judge Bates and Tobacco Jones. And his premonitions proved correct. He could hear the talk plainly that ensued in Sheriff Smith's office.

"We trailed the rider that killed Henburg," said the jurist. There was a tired note in his voice. "Found him way south of here. . . . He put up a running fight, and it lasted all day yesterday, more or less. Shot him through the shoulder and he lost his rifle and we just took him into town."

Sheriff Smith's voice held awe. "You don't say, Bates! Why, me an' my posse looked, never saw a trace."

"He's down at the hotel now," Brackett heard Judge Bates say. "He's in Room 18, upstairs. The doc is down there—"

"Who is he?" asked Judge Thomas.

"A man down the street said he was called Casey, and that he rode for Mart Brackett's Bar T. That mean anything to you, judge—or to you, Appleton?"

Brackett listened. There was a pause. "That man was discharged by Brackett over a week ago," declared Judge Thomas. "I handle all of Brackett's payroll and I remember paying him off. Possibly he and this Henburg gunman were old enemies—they both came from the southwest, you know. And he saw his chance to avenge an old hate before he departed, sir."

Appleton asked, "Has he talked yet, Bates? Maybe he knows something—"

"Couldn't get a word out of him," growled Judge Bates. "Well, sheriff, we reported the killing, as per law. Later on, when the man feels better, I want you to help me question him, and I know a trick or two about making a man talk. I'd have made him talk out in the hills but I want you for a witness. I also demand that you

send a deputy out to Brackett's to watch him at all times so he cannot escape."

"Brackett's in town," said Smith. "He walked down the hall about ten minutes ago. You know where he is, Judge Thomas?"

"No, I do not. But I do contest your legality, Bates, when you commission this officer to post a deputy to guard a man who to date has a spotless record."

"Contest and be damned," growled Judge Bates. Brackett heard him speak to Tobacco Jones. "Now you and I have to get something warm inside of us, sir. Then we meet you, sheriff, at the hotel, and we question this killer named Casey. And Lord help the men he incriminates in this dastardly crime."

Brackett noticed that Judge Bates had forgotten to request a guard around Casey's bed. There was some more talk, mostly inconsequential, and then the judge and Tobacco left.

MART BRACKETT went back into Judge Thomas' chambers. He watched Judge Bates and Tobacco Jones turn their horses over to a man who took them to the livery-barn. The partners went to the Bull Horn Cafe and entered. Judge Thomas was peering over Mart Brackett's shoulder. Hez Appleton was watching, too.

"There comes the doc out of the hotel," grunted Appleton.

Brackett turned, eyes tough. "Get your short-guns," he rasped. "Hez, you take the front, go up through the lobby. Judge Thomas and me will take the back. Ask the clerk if there's anybody up in Casey's room. Tell him you aim to question him as official county attorney. The judge and me will meet you there. Make it snappy, now, and move."

Appleton said, slowly, "All right," He got his gun from a desk and put it inside his coat. Gaunt Judge Thomas took a .32 from his cabinet. He said, "All right, Mart, let's make this sweet and short."

Appleton went out the front. Mart Brackett, followed by Judge Thomas, left by the rear door, went down the alley, paused behind the hotel. A wooden staircase ran to the second floor, a fire escape They went up this with Brackett in the lead They came out in a dim hall. Hez Appleton was already there.

He said, "Nobody saw me come—nobody in the lobby."

Brackett nodded. "That's good. Now we shoot this gent—and make sure we kill him. People will come up the front stairs, we go down the back. We'll be in our office before they can get up here, almost."

"Get this over with," said Judge Thomas.

Brackett studied the situation from all angles. The doctor had left Casey's room, the sheriff hadn't got here yet—and Judge Bates and Tobacco Jones were eating a big meal. The door to Casey's room was unlocked. He stepped inside, followed by Judge Thomas, and with Hez Appleton behind him.

Brackett glanced around the room. A dresser, pulled out from the wall a foot or two, and a bath-screen in a corner. He sent his gaze back to Casey. The man was asleep, and Brackett figured the medico had given him a shot in the arm.

Brackett said, "All right, all at once," and raised his gun. But he never got to fire for Judge Bates' voice said, "Drop that gun, Brackett, or I'll kill you," and the jurist walked out from behind the bath-screen, his sawed-off shotgun covering Brackett.

Brackett held his fear and asked, "What are you doing here, Bates?" Behind him Judge Thomas was a frozen gaunt statue and fat Hez Appleton was solid in his tracks. Tobacco Jones, coming from behind the the dresser, answered Brackett's question.

"We could ask you the same, Brackett?"

Brackett glanced over his shoulder at the postmaster. Tobacco Jones also had his sawed-off shotgun. Brackett suddenly remembered a man he had seen killed by a sawed-off shotgun at a short range like this. That memory wasn't too pleasant. When a sawed-off shotgun hits you, it splatters you around quite a bit.

"Trap, huh, Bates?" snarled Judge

Thomas. He forgot to clear his throat.

"You can call it that," agreed the jurist. "Fact is, I told a big lie back in the sheriff's office, 'cause Casey did talk. He told us everything: how Brackett had hired him to kill Henburg, how he sneaked in and killed him—we even got his money-belt here—" He had it in his left hand and he tossed it out to Brackett, who watched it fall to the floor. "You'll hang, Brackett."

"Don't shoot!" screamed Hez Appleton, voice throaty with fear. "For Lord's sake, Mart, surrender—!"

But already Brackett was turning, gun roaring. He shot fast, and he knew he missed, for Judge Bates was bringing up his shotgun, fast. The sodden roar of the scattergun behind him spun lanky Judge Thomas, dropping him across Brackett's boots. Brackett heard the screams of Hez Appleton, and he brought his hammer back again. Then suddenly something hammered his belly.

Brackett grunted, bent forward. He did not know he dropped his gun. He felt his legs lose strength, and he knew he was staggering. Still, Hez Appleton was screaming, hollering, and Brackett heard those sounds, and then those died too and there was nothing.

HEZ APPLETON was screaming like a crazy man. Judge Bates' voice was shaky, his heavy face the color of a dun horse. "Beef that big son, Tobacco," he said gruffly. His hands trembled on his scattergun.

Tobacco slammed Appleton across the skull with his shotgun. The man staggered, went down, and lay still. "Hope I didn't bend my barrel, Bates." His voice, the judge noticed, wasn't too steady, either.

Men were running in the hall and on the stairs. They came crowding in, and finally the sheriff got in, pushing and jabbing with his skinny elbows, and for once forgetting his bum liver. He stopped and looked at the two prone men on the floor. The partners had dragged Appleton to a corner, where he sat in a grotesque unconscious heap.

"You kill them, Bates?" asked Smith, surprised.

"We were up here with Casey," said the judge. "They came in to kill all of us, I reckon." He made a few variations from the truth. "We got into a gunfight, and there we are."

"They *are*, you mean," corrected the doctor. He knelt beside Judge Thomas and Mart Brackett. After a while he looked up, "They're both dead, men."

Somebody said, clearly, "Good riddance of poor rubbish."

Sheriff Ike Smith remembered his liver and put his hand against his side. "But I thought you fellows went to the restaurant, Bates, to pack up on grub? Now how did you get in here?"

Judge Bates didn't tell him that entering the restaurant was just a blind, and that he and Tobacco had walked right through, hurried to the livery for their shotguns, then hid in Casey's room. . . and waited.

"Decided we wanted to talk to Casey first," he said.

The doctor studied Casey, who was still asleep. He felt of his wrist. "I sure must have given him a bigger shot than I intended," he said. "He slept through the whole shebang."

"He'll live to hang," promised Judge Bates.

AND Judge Bates was right. The next week, sitting as judge, he sentenced Casey to hang on the gallows at the state penitentiary at Rawlins. The Brackett gunmen had all left the country. He tapped on the bench with his jug and restored order. "Sheriff Smith, bring on the next case."

"Yes, your Honor."

The sheriff brought in Hez Appleton. Although he had been in jail but a few days, worry and fear had reduced him quite a few pounds. "How do you plead, Mr. Appleton; guilty or not guilty?"

"On what charge, your Honor?"

"Consorting with the deceased Judge Thomas and Mart Brackett to cheat innocent men out of their lands in Post Hole Valley, to use the law

not to the letter but as you saw fit to your case."

"Not guilty, your Honor." Appleton added, "I wish to plead my own case."

"You haven't any case. I sentence you to ten years' labor in the state penitentiary. During that time you shall never be eligible for parole. Take the prisoner to his cell, sheriff." He rapped his jug hard against the bench. "Court is adjourned."

A check-up revealed the falsifying of Mel Cox's homestead entry. Will King, the clerk who had changed the homestead-papers, was sentenced to prison a few months later. But before the partners left Latigo City they attended to other legal matters.

Both signed a deed giving the Square Butte ranch and its stock to Nero and Lucy Bucklin. Nero Bucklin also bought the Bar T from Mart Brackett's niece in Chicago. The judge had contacted her—she was Brackett's only relative—and explained the entire case. She had wired back to bury Brackett in Latigo City, sell the ranch, pay her uncle's funeral expenses with part of the proceeds, then send the rest of the money to her. The partners had arranged the deal, financing it in Nero's name by taking a mortgage on the Square Butte ranch.

Judge Bates signed the mortgage papers with a flourish. "We'll make him work for the Bar T, Tobacco. We gave him the Square Butte ranch. He can pay us for this one!"

"He earned the first one. We made more off it then we paid for it."

They gave Len Henburg a big funeral. He and Brackett were buried the same day. Judge Thomas had an estranged wife in Denver. She had them send her husband's body to her for burial. Two days later, Judge Bates and Tobacco Jones got ready to ride south for home, in Cowtrail.

Tobacco chewed diligently. Judge Bates hid his softness under a gruff coat. They stood there in front of the Square Butte ranch house with the mighty heights of Square Butte rising into the thin fall air. Lucy was sobbing a little as she held little Lem. Peggy squeezed Tobacco's bony hand, her homely face smiling despite her few tears.

"You'll write to me, Tobacco?"

Tobacco spat. "Sure, I'll write." He had no intentions of doing it, but it made the moment pass quicker.

"We got to hit the trail," said the judge. He kissed little Lem on the cheek. "Now be a good boy. And when you grow up, don't be a judge—and drink hard whiskey. Adios, folks."

They were loping out then, and the three stood and watched. When they got on the ridge, they pulled in and waved, and then they rode out of sight. Tobacco chewed methodically, his hangdog face without expression. Judge Bates blew his nose loudly in his bandanna and untied his jug.

"This calls for a drink."

Tobacco watched the raw liquor run down his partner's throat. "Sometimes I wish I'd turned out to be a drinkin' man," he said. "This tobaccer don't do a fella much good at a time like this. . . ."

(THE END)

COMING NEXT ISSUE

THE IRON CAYUSE

Complete Book-Length Novel

BY CHUCK STANLEY

Sam Brown was a "bad man," the first and worst of his breed.

VIRGINIA CITY

PRIDE OF THE COMSTOCK

a fact feature

By T. N. DUROSKO

Mark Twain, newspaper man at Virginia City, once wrote: "The country is fabulously rich in gold, silver, copper, lead, coal, quicksilver . . . Murderers, desperadoes, gamblers, sharpers, coyotes, poets, preachers, and jackass rabbits. I overheard a gentleman say the other day that it is the d——dest country under the sun—and that comprehensive description I fully subscribe to."

NEVER in the history of the West had there been another mining camp like that of Virginia City, Nevada. A man might strike a pick into the ground and find a fortune. A washwoman could buy ten feet in the Ophir and retire to Nob Hill and her own carriage. Speculation ran high and the truth was so amazing that it beggared imagination. Shaggy miners who couldn't write their names became millionaires; shrewd businessmen like Flood, Fair, Mackay, Stafford, Hearst, and Sharon became multi-millionaires. During the boom days over $900,000,000 in gold and silver was taken from the Comstock Lode.

The wealth being extracted from Sun Mountain attracted miners, prospectors, speculators, gunmen, and card sharks from all points of the United States. From a handful of whiskered miners who lived in holes scraped from the mountainside, the mining site blossomed into a "mountain city" of over 40,000 residents. Among these Virginia City had absorbed the best and worst of California's seasoned veterans. Gay, reckless, debonair, the goldseekers took to the trail leading to the lode. Every man was a law to himself, carried in his holster the redress of wrongs. The wildest excesses prevailed; the most brutal crimes went unpunished. No frontier mining camp ever had as high a level of intellect and culture among its residents nor as great a percentage of murderous lawlessness.

For years there was no night at the site located six thousand feet up on the side of Sun Mountain. The flare from dance halls, hurdy-gurdies, honky-tonks, and gambling houses flung splashes of light on the masses of roughly dressed men engaged in continuous revelry. Day and night the narrow ledge streets were crowded. Freight outfits jammed the roads, merry little bells tinkled as the mules moved. A swarm of rough humanity passed back and forth in cross-currents that flowed steadily every hour of the day. Even the shrieking mountain blasts of wind, violent as a tornado at times, never interfered for a moment with the thumping of pianos, the squeaking of fiddles, the stamping of feet on the floors of the dance halls. Life in Virginia City was colorful, turbulent and incessant.

Into this atmosphere fitted well many of the characters who made their homes on the lode. Mark Twain and heavy-set Bill Stewart, who became one of Nevada's first senators, have become a legend in American history. Mark Twain for his humor and newspaper work; Stewart for his square-dealings when bringing law to the mining site. There were many others who won no distinction as recorded by historians, but at the time of their presence in Virginia City they likewise made the headlines with their "doings."

SUCH was the case of a teamster who grew tired of driving mules up and down the canyon. He longed for a new type of transportation. Suddenly, one day, he appeared on C street with his new caravan. Horses and mules of other teamsters were terrified and bolted in all directions. Pedestrians on the streets stood with mouth agape. Tipsy miners leaving saloons saw the strange procession and believing they were "seeing things" swore off from drink and hurried home. For there marching down the street was a caravan of camels! It seems that the teamster had persuaded his company to import the animals and use them on the deserts of the West.

Another incident was the unprecedented action of the melancholy miner. For several days he had lolled in a blissful semi-stupor at the end of the bar in Wimmer's saloon. Indifferent to the boisterous barroom talk, the occasional wild shooting of some over happy inebriate, and the unharmonious squeaking of the wagon wheels outside the door, the hard-rock digger lazily sipped his drink. Without warning, late one evening, he suddenly stood upright. Cupping his ear he listened to a sound which crept in under the din of the barroom chatter. Speaking to no one, the miner left the saloon

with a quick step. Other patrons of the bar, puzzled by his action, walked to the door to see where the drunkard was headed.

From the saloon the curious onlookers saw the miner stagger into the Chinese section of town where raged a tong war. Resounding gongs, pistol shots and blabbering hatchetmen manufactured a noise level which drowned out the shouts of the Occidental. However, the spectators at Wimmer's did see the miner draw and banish his pistol. They watched spellbound as he rounded up every Chinese in sight, tied together their pigtails and marched them up through town to the jail.

Later the self-appointed law enforcer resumed his position back at the bar. An inquisitive friend walked over and tapped him on the shoulder.

"Jake," he queried, "what made you do that?"

Without looking up, the miner replied at length:

"Them dern foreigners were making too much noise."

HOWEVER, not all residents of the lode spent their wealth in such idle luxury. It was men like Sandy Bowers, one of the first Comstock millionaires, who with their money, brought a level of culture to Virginia City that surpassed that of most mining camps. Side by side with the roughest makeshifts, the most primitive of cave dwellings, there existed a civilization which would be satisfied with nothing less than the best. Sparing no expense, Sandy erected a solid sandstone mansion to satisfy the yearnings of his wife, a former keeper of a boarding house on the lode. The house was lavishly furnished with Morocco-bound books, plush and leather-covered furniture, grand pianos, rose-splashed carpets, gilt and crystal chandeliers—all imported from Europe and Asia.

The amount of money involved in the construction and completion of the house apparently did not cause too much of a dent in Sandy's finances. For although his claim had no more than 20 feet along the vein, the ore was so rich that over $15,000 each week was taken out. Shortly after the boys recuperated from the effects of Sandy's housewarming, the good-natured miner announced that he and Mrs. Bowers were going to Europe.

Virginia City gave them a farewell banquet which is still remembered by the old-timers. Champagne, of an ancient French vintage, flowed like waters of a mountain spring. Music, lusty singing, and stamping feet were heard for twenty-eight straight hours. When called upon to make a toast, Sandy replied:

"I've got money to throw at the birds. There ain't no chance for a gentleman to spend his money in this here country and there ain't nothing much to see, so me and Mrs. Bowers is going to Europe to take in the sights. One of the great men in this country was in this region a while back. That was Horace Greeley. He didn't look no great shakes to me. Cutside of him the only great men I've seen in this country is Governor Nye and old Winnemucca. Now me and Mrs. Bowers aim to see the Queen of England. . . . I hope you'll all jine in and drink Mrs. Bowers' health. I have plenty of champagne, and money ain't no object."

So they went to London and met Queen Victoria, who was perhaps more "amused" than she was on another famous occasion. She was presented with a solid silver dining set made from the bullion of the Comstock. However, despite being a "commoner," Sandy and his wife became well liked by the royalty because of their sincere and simple mining-town nature. After a tour of several other countries, the couple returned to the lode. Over a quarter of a million dollars was spent on the trip, but Sandy always felt that they received their money's worth.

Chronicles disagree, they claim that Bowers received more for his money than he took credit. It was Sandy, the unofficial ambassador from the Comstock, who unintentionally interested people of culture and profession in the fabulously rich mining site in Washoe. Mining engineers,

geologists, tradesmen soon left Europe to follow the happy miner. Even the great Adah Menken, the sensational siren of the Paris and London stage became intrigued with the stories of life in Virginia City. She demanded of her manager to take her to Nevada. This he did and soon regretted it. For Menken fell in love with the wild Nevada camp, as it did with her. Its temptations matched her own reckless spirit. She forsook her European lovers—Alexandre Dumas and Swinburne—for the handsome, gay and brave Tom Peasley. She danced, played faro, and dined with him.

Soon to follow were other troupes of the stage and Virginia City entered its golden age of the theater and of music. Maguire and later the Piper Opera House began to feature such notables on the stage as Jennie Lind, Mark Twain, Maud Adams, Houdini, Caruso, Lillian Russell, Edwin Booth, Jane Cowl, Tom Thumb, General Grant, Buffalo Bill, Schumann-Heink and others. As the influx of outsiders began to flow into the mountain city, the community became even more a place of greater contrasts and incredible people.

TWO STREETS below—barely two hundred yards—from the sedate houses of the millionaires and the intelligentsia were located over 150 saloons and drinking houses. Here on B and C streets was literally the pulsing heart of Virginia City. The elite and the worker stood shoulder to shoulder at the bar. In Wimmer's, the Sazerac, Senate, and Con Ahern's Crystal Bar "lived" the gunmen of Virginia City. Several of them had come up from the Mississippi Basin; others were absorbed from the short-lived camps in California. At one time most of the gunmen were respectable men but the lure of easy money had obsessed their minds and soon they had cut loose from the ties which bound them to decency and morality. In saloons and gambling-houses they met, all wearing deadly weapons. They drank, played poker with marked cards, disputed, fought. They quarreled over liquor, over a throw of dice, over women in whom they were not really at all interested. They shot one another down over a word in jest. They killed or were killed holding up stages or looting the cabin of a strike-lucky miner. Soon a reckless wave of homicides swept over the Virginia City. Gun duels were fought in the streets; at times disputes were settled while each man stood at the bar. And during this bloody era, the "chief" of Gunmen's Row was the ape-like Sam Brown, followed by the likeable Langford Peel.

Brown was a "bad man," the first and worst of his breed, the sire of the Southwest. A great, thick-witted, human Saurian with a booming voice and red side-whiskers which he kept tied under his chin. Beneath his dirty Prince Albert coat he wore a belt with holsters. On the butts of his guns were filed fifteen notches. In the leg of his right boot protruded the handle of a large bowie-knife. At his heels hung heavy, clanking Spanish spurs. Whenever Sam Brown walked into a saloon, men sidestepped him as if he were a carrier of the bubonic plague. For they knew when Brown couldn't shake money out of his victims he could at least squeeze a little blood.

"A man for breakfast," was Sam's cry. Vicious and cruel, it was his habit to pick on some inoffensive underdog. Without being provoked, Sam would pick an argument and then cut the victim down while not allowing the poor stranger a chance for his life. Throughout the first winter Brown spent on the lode, sixteen more men were selected for his private cemetery.

But Brown did it once too often. He, himself, finally came to know the ghastly fear of waiting for the blow to fall while he pleaded to be forgiven. In a running gun fight with Henry Van Sickles, a German who operated a roadhouse, Brown was caught up with as he dismounted from his horse. He looked squarely into Van Sickles' double-barreled fowling piece. In abject terror Brown knelt and begged for his life. For an answer Van Sickles gave him both barrels.

CANDIDATES in plenty offered themselves as successor of Brown for the title of "Chief." Langford Peel seemed the most likely one. He did not arrive on the lode until after the demise of Brown. A slender, quiet, mild-mannered youth, he did not look like the stuff of which a bad man is made. But he had plenty of courage, was a good shot, and was cold-blooded enough to kill without remorse. He brought a record of killings to Virginia City and added to it while there.

Peel was no such bully as Brown; he did not seek quarrels or run away from them. Liquor made no appeal to him. As he stood in a gambling-house stroking his sandy beard, a man never boisterous or dogmatic, his looks belied the reputation he had brought with him. Only his steady gray eyes gave warning of danger.

During a gun fight in the middle of C street, Peel shot the pistol from Dan Paddock's right hand and then drilled him through the breast. Later another rival gunman attempted to shoot Langford in the back. But before he had finished drawing the six-shooter, Peel whirled about and fired only once. The bullet went through his rival's forehead, just above and exactly halfway between the eyes. Such precise shooting gave Peel the undisputed distinction as the "Chief" to occupy the throne for the longest period of time.

About the same time as Sam Brown and later Langford Peel were walking the narrow, mountainside streets, there was great excitement in the mines. A ton of ore from the lode was running $4,791 in silver and $3,196 in gold—over $7,000 of precious ore in one ton of blue mud. Nearly $36,500,000 worth of ore left Virginia City in 1876. During the next year the total was the same. For several years following, the Ophir, Mexican, Consolidated Virginia, Yellow Jacket and other mines continued to pour forth pay dirt that netted millions.

NOT UNTIL the sudden devaluation of silver during the early 1880's did production reach a low. When it became apparent that there was no hope for a return of the high profits of the past, the population of the lode started a downward trend. The last year of the century did not see $200,000 worth of bullion leave the mines, and over half of the buildings in town were deserted.

Fluctuations in production affected the population which rose and fell at about the same rates as the profits. In 1923, when the cyanide process of recovery came in to use, over $2,000,000 worth of ore was mined. The population increased. Again an all-time low was reached in 1932 with less than $32,000 worth of bullion recovered. Many then left the lode. But four years later the output again passed $1,000,000 in value, entirely from low-grade ore of the kind that Virginia City had used in 1878 to pave C Street.

When World War II halted production at the lode and drained all available manpower, Virginia City became a veritable ghost town. Only a handful of old-timers—approximately three hundred and twenty-five—remained among the ancient, deserted buildings. At present the old Comstockers are idle and spend their time setting in the shade of buildings that lean at rakish angles. To them this is just a breathing spell.

"With good digging equipment and plenty of help," explained one bewhiskered, hard-rock veteran, "we can reach new bonanzas which we know are here."

So perhaps the ledger has not been closed for good at Virginia City. Experts, however, are more pessimistic regarding future mining operations. But if we look back over the historical record of the lode, it shows clearly that many an "expert's" prediction has been proven wrong by the findings of a shaggy, unshaven itinerate of the desert.

(THE END)

BUY VICTORY BONDS

MAKE-BELIEVE SHERIFF OF PINTO COUNTY

By Ray Hayton

Les Thompson was just too dang slow-thinkin' to realize when he was hurt too bad to move!

LES THOMPSON was a slow man—slow moving, slow talking, and slow thinking. The boys down at the Red Bull saloon, when they got to talking about him, 'lowed as Low he'd be two weeks late to his own funeral.

They ribbed him plenty, the loafers at the Red Bull did, always taking advantage of his good humor and slow wits, and plaguing him unmercifull every time he come in. And him being big enough and powerful enough to take 'em apart with his bare hands, if he ever came a mind to, that made it all the more fun.

But he didn't seem to mind. Every night, after working all day down at Pop's Blacksmith Shop, shoein' horses and hammerin' out wagonwheel rims, he'd drop in at the Red Bull saloon—buy two shots of liquor, no more, no less—take their ribbin', smile that slow, easy child-like smile of his, and ride the two miles out to where his cabin was. Two years he'd been workin' at Pop's, and he done the same thing every night. Folks said they figured it'd take an Act of God to make him change his ways.

It was about two hours after dark, that night he come into the Red Bull saloon and found all the B-X boys there—twas right after fall round up, and they was celebratin' and feelin' ample high. He came thru the crowd to the bar. He was a big feller, like I said, with red hair, and the most innocent lookin' blue eyes I ever seen. He had shoulders you'd have to see to believe, and there's fellers as 'low they seen him straighten a cold horse shoe 'thout lettin' out a grunt.

He orders his drink, and while Jeb,

the bartender, is fishin' out the bottle, he listens to Bob Wilson, top-hand at the B-X, who is talkin' loud, so's Les can hear, to one of his cow-hands.

"I been thinkin'," he says, givin' the boys 'round him a wink, "Since old man Hank Rufus is now occupin' a bunk in boothill, due to him bein' careless while out ridin', and stoppin' lead, that there is a powerful need of a new sheriff. And to stop the stagecoach robbin' and cattle rustlin', we gotta elect a sheriff what is big enough to handle the job—one that ain't afeered of nothin', and that is so powerful built—so that he can stand up under the strain of office." He pauses and looks around the saloon, and grins, then turns to Les, who is just finishin' his drink, "And I been a-thinkin' you oughta be the man for the job. How about it?"

It takes a while for that to sink in, and when it does, his forehead sorta wrinkles up, and his eyes cloud.

"I don't know," he says in that slow drawl of his, "I never thought of takin' on no sheriffin' job."

"You hear that?" Bob asks the crowd, who is silent now, ready to enjoy the sport of ribbin' Les, "He ain't never thought of it. Well, we shore been thinkin' of it—powerful hard—and we done come to the conclusion that you're the feller for the job."

"I dunno," Les still ain't got no idea he's bein' ribbed, "I ain't sure I'm the man . . ."

"He ain't sure!" Bob says, "Well, we are! And I think we oughta make you sheriff right now—to stay in office by appointment until an election can be held. Who's got the star?"

WHILE Les tries to protest he ain't wantin' the job, and stands there, his face all twisted up with the effort of tryin' to think, somebody pins it on him, while somebody else pretends to swear him in.

"There now," Bob says, tryin' to keep from bustin' out laughin' at how serious Les takes it, "You're Sheriff of Pinto County. Congratulations!"

He sticks out his hand, and Les gives it a squeeze, and everybody crowds 'round him, congratulatin' him, and shakin' his hand, and offerin' him drinks. Les, he just grins that slow grin of his, and shakes their hands, says thank-e to their congratulations, and refuses their drinks. Then he holds up one big fist, and everybody quiets down.

"Thanks," he says, "I ain't the fit man for the job—I reckon you know that better'n I do—but I'll do my best."

He quits talkin', and I wait for the blowoff to come—for somebody to give him the tip its time to start laughin' and kiddin' him for bein' took in—and feelin' almighty sorry for him—when the doors bust open and in comes a feller, all covered with sweat and alkali dust and breathin' so hard he can't speak. Bob gives him a shot of liquor, and that braces him so he can sputter out his story.

"Stage held up," he says, "Just east of Rocky Point. Driver and shotgun guard killed. 'Bout an hour ago. I was passin' and saw the men ridin' away, two of 'em, and hightailed it here for help. If you'll get started quick. . . ."

I ain't never seen a place get so deserted so fast. 'Fore you can say "Les Thompson" all the boys, feelin' happy like they are, and achin' for a fight, are out of the saloon and gettin' a horse—they don't care whose—and takin' off lickety-split into the night—each one of 'em bent on gettin' hold of the robbers first, so's they'll have the fun of the fight.

They run right off and leave the new sheriff standin' there, his face puzzled, his brain still absorbin' what he heard.

"They oughtn't a done that," he says, plaintive like, at last, "Not 'till I swear 'em in—and get a posse organized." He stands there for a few minutes longer, and then he picks up his second drink and finishes it, and starts out toward the door.

"Hey, Sheriff," Jeb calls, "Don't you reckon you'll need a gun iffen you're gonna tackle them bad hombres all by your lonesome?"

"Reckon not," Les says, without lookin' 'round, "I ain't no hand at shootin', much."

'COURSE, now, I wasn't 'long with Les that night, and I didn't see what he done, but I heerd 'bout it—I guess most everyone heerd 'bout it—and from what he done, I figered out what he musta thought, and how he musta acted. Ain't but one way a man like Les Thompson could'a acted, nohow.

He had his cayuse staked out front of the Red Bull, but none of the boys took it. Even high as they was, they knowed he'd never keep up with the rest on that nag of his—it must have been a hundred years old, and nobody ever seen it move faster than a slow walk. Les climbed on it, and started off slow-like toward Rocky Point. The rest of the fellers was done out of sight, ridin' like the wind, and Les, he just jogs along, thinkin'. Not fast, like some people, but slow and easy, workin' the whole thing over. He rides for 'bout thirty minutes, and he come to some conclusions.

No use goin' to Rocky Point—the B-X boys would'a messed up any tracks that might'a been left, and if any was left in the first place, they'd be poundin' hot on their trail. Course, he could follow the B-X boys, but he didn't like that. He was Sheriff—wouldn't be fittin' for him to *follow* his possee . . . even a sorta unofficial possee . . .

So he cuts off the main road, starts ridin' east. He thinks some more, and all he is thinkin' is where would those stage robbers go? They been robbin' the stage pretty regular, never been caught, just seem to disappear east of Rocky Point, out toward Gunsight Range.

Gunsight Range, east of the Point, and the foothills of the Black Mountains to the west was about the only place the robbers could'a holed up for long. Rest of the country was fields and grazin' land and pine forests. The boys always headed toward Gunsight Range after pullin' a job—but nobody ever caught up with 'em there.

After he'd ridden 'bout thirty minutes toward Gunsight Range and had time to do more thinkin', he began to figger that was he the robbers where would he head for? Well, he couldn't rightly put himself in the place of no robbers, but since all the B-X boys would head towards Gunsight Range if they couldn't track the holdup men—well, right there, Les, he turns that nag of his and heads for the foothills. He figgered as how he couldn't do no harm, takin' a look around over there, and he might stumble onto somethin'.

It's dawn by the time he gets to the foothills, and since he didn't eat no supper, nor yet no breakfast, his stomach is makin' threats. But he keeps ridin', lookin' hard for tracks in the early mornin' sunlight. He don't see none, and figgers that lookin' for tracks in that wild country is pretty useless.

He keeps ridin', tho, and polishes up the star the boys gave him 'till it glints right smart in the sunlight. He pushes deep into the foothills, keepin' his eyes open for a likely lookin' hidin' place. Noon comes, and he ain't seen nothin'. He's powerful hungry now, and even tho he's been ridin' easy like, and lettin' his nag graze some along the way, it's powerful beat up. He comes to a spring, between two small hills, where a couple of willows and a cottonwood are growin'. There's a bit of grass, and as he drinks from the cold water, he lets his nag munch on that.

HE'S BENT over the spring, drinkin', when he hears footsteps slitherin' across the grass, and gets up quick-like—which, for him, is rather slow, and finds himself starin' into two cold black eyes, and the business end of a .45. Without bein' warned, he lifts his hands, and the whiskered fellow steps up closer to him. He looks at Les, close like, and then at the star on his ragged shirt front.

"I thought so," he says in a mean voice, "I thought I saw a star gleamin', so I followed you. Lookin' for some one?"

"You," says Les, calm as all hell, "You and your pard. Where is he?"

"Right here," another feller, smaller than the first, but packin' just as big a gun, steps out of the willows to

join the first, "You oughta have better sense than to ride around with that star stickin' out. Some people, they don't like stars, they get right low down mean when they see one."

"That's how I figgered," Les says, "I figgered that after what you done to Hank, if you seen me packin' this star around, you'd get angry-like and maybe let me see you."

"You see us," the little hombre says, "Now what?"

"You're under arrest," Les says, "You comin' back to the hoosegow peaceful like?"

Both of 'em gag at that, and the whiskered one steps even closer to peer into Les's face, which is all calm and pleasant lookin'.

"He means it," Whiskers says to the other feller, "He thinks we're goin' back peaceful." He breaks out with a guffaw, and so does the little man, "Reckon we oughta go with him, Seth?"

"Don't think as how we should," Seth says, "I think as how we should plug Mr. Sheriff, and go somewhere by our lonesome, where we can spend all the money we got."

Whiskers quits laughin' then, and the gun comes up. He's standin' close to Les, and the barrel of that .45 muzzle looks like a tunnel, "I reckon you're right," he says, "And we better get it done in a hurry, 'cause there's likely more around. He's too cool to be alone."

Well, Les, he sees these jaspers are goin' to kill him, and bein' a slow thinker, there's only one thing he can think of, right off, and that is stoppin' them. He ain't got time to figure that he'll be a dead man if he moves a finger, to figure that there are two guns trained on him and it's hopeless to resist. He just thinks "I gotta stop 'em," and one hand comes down and grabs the gun from Whiskers afore he can believe what he sees, and raps the gun over its owner's head.

Whiskers folds up, but Seth, he's standin' back a bit, and when Les makes his move, his gun, it bears down on the big man, and he pulls the trigger. Les, he's hit, the power of the big slug slows his movements, but he dives for the little man, who triggers his gun again. That shot hammers into Les, but he's still thinkin' "I gotta stop him" and he keeps comin'. When the little man triggers his gun the third time, Les is too close for the bullet to miss, so he's hit again. But afore Seth can shoot for the fourth time, Les's big hand closes on the gun, and he wrests it loose and wraps it around the crook's head. Seth goes limp, and slides to the ground.

THEN Les drops the gun, and sits down on the grass, all the strength oozin' out of him. He feels hisself over, and finds he's got a shot in the chest, high up, maybe thru the lung, maybe not—he don't know nothin' 'bout a-natomy, and a slash along his left side, which is burnin' like Hades, and a bullet hole clean thru the muscles of his right arm, which makes that arm hang useless.

Now, Les, he gets to thinkin' again, and he don't see no reason why he shouldn't start back for town. So he stops the bleedin' as best he can, ties the two hoodlums to their horses, and after takin' a long drink from the spring, gets into the saddle of his nag, and starts herdin' the prisoners back toward town.

Goin' straight back to town instead of ridin' all over the country like he did comin' out, it ain't more'n six hours ride, but bein' hungry and weak from loss of blood, and the sun beatin' down right fierce like, he begins to think maybe six hours is a long time. And 'fore he's rode an hour, his two prisoners see he ain't gonna last the trip out, and they settle down to wait him out. He'll fold up, fall off his horse, and then they'll hightail it.

Two hours, and he's gettin' weaker, he's gotta clutch the saddle horn for support, and is coughin' up a bit of blood, and everything is gettin' blurry and out of focus. But when the two gunies try to run for it, he stops them with a muffled shout, and a wild shot. They ride on in front of him, sullen but meek.

Three hours, and Les can barely stick in the saddle. He's coughin' up more blood, now, and his wounds are raw and painful and achin' terrible

from the salty perspiration runnin' into them. He stops in the shade of a tree, and the two gunies change looks. It won't be long now, their looks are sayin'.

Les urges his old nag up even with them, and with the last of the rope, ties the two horses together, and then ties the bridle reins of the horses to his saddle. Then he starts ridin' again.

Two hours outa town, he slides off his horse. He lays there for a second, and the two gunies stop their horses, and pull the nag in so they can get at the rope and untie their mounts. But afore they can do it, Les, he gets up on his knees, peers at them thru bloodshot eyes, and drags out the gun he got offen Whiskers. The two gun slingers, they stop fumblin' with their knots, and do like he says. Another thirty minutes and he'll be out cold—so why should they risk their lives tryin' to escape?

So they watch him clutch at his nag's stirrup, and pull hisself slowly and painfully into the saddle. Then the procession starts on again, the gunies workin' at their bonds, and keepin' their eyes on their weak and bloody captor.

WELL, he couldn't do it. The doc back at Pinto City, he seen Les, and he said he couldn't ride no six hours and stay conscious—not in the condition he was in. But bein' slow thinkin', Les, he didn't realize that, and come sundown, he brings his prisoners into town, slunk in the saddle, clutchin' the old nag's mane with both hands, blood all over the saddle, blood all over him, with the old .45 in his belt, and his bleery eyes on the two sullen prisoners.

The B-X boys had give up the hunt, and was just ridin' back into town—and they met Les and his two prisoners in front of the Red Bull saloon, and they all gaped at him like they couldn't believe what they saw. They stood there, open mouthed, and Les tries to set up straight in the saddle and say somethin', but he just collapses, and his eyes close, and he slides off the old nag to lie in the middle of the road.

Yep. Doc, he said Les couldn'ta made no six-hour ride all riddled with holes like he was, and the doc, he said he couldn't live, not shot up like he was, and havin' lost more blood than a stuck calf—but bein' a slow-thinkin' man Les, he didn't think of that—and I reckon the citizens of Pinto County are proud he didn't, cause we ain't had no rustlin' or robbin' here in Pinto County since Les, he got to be the honest-to-God Sheriff. . . .

DID YOU KNOW THAT?

Did you know that "Buffalo Bill" Cody was not the originator of the Wild West Show as many people think? In 1870, thirteen years before Buffalo Bill opened his Wild West Show, Wild Bill Hickok opened a "Great Indian Show and Buffalo Hunt," at Niagara Falls, with six buffalo and several wild Indians. Hickok's show attracted large crowds, but it was shown on the open prairie and more than half of the people did not pay any admission fee.

When Cody started his Wild West Show in 1883 everything was under control. He had his show located inside the County Fair Grounds at Omaha, Nebraska. Those grounds were surrounded with a high board fence, so no one could see the "attractions" without first paying an admission fee.

Later on Cody purchased a huge tent and railroad equipment. This became a model for other Wild West Shows and later on the movies. But the Western movies of today altogether lack the odd sort of authenticity which Cody's show had.

By JAMES A. HINES

Jim Beckworth Buckskin Pioneer

A Fact Feature

By LEE THOMAS

THE Ashley expedition, of which young Jim Beckworth was a member, had come out on the plains and the Indians, wanting to starve the white-men to death, had run the buffalo ahead of them so that the whites could not find any of the shaggy brutes. And starvation faced the company of trappers and explorers.

One morning, gaunt and starving, they held a pow-wow. They would break up, each going his way until he came to game, then he would summon the others through use of smoke signals from some butte.

"We split up," said one trapper, "an' the Sioux'll kill us all. When we stay together, we got united strength—but alone . . ."

"We've got to take that chance," said young Jim Beckworth. A tall youth still in his teens, he had joined the Ashley party in St. Louis. He had never been on the Plains before; in fact, he had never seen a buffalo.

"Jim's right," a pioneer said.

So they broke camp, each man taking his rifle and going west. They spread out on the hills and hoped to find game. Young Jim Beckworth gave the matter some thought. The Indians knew they were going west. . . .

Reason told him the redskins would head the buffaloes either south or north. They did not want to drive the animals from their own hunting-grounds: they lived on the buffalo—his hide made their clothing, their tepees, their water vessels. They only wanted to keep the shaggy bovines out of the white man's path, not drive him onto some other tribe's hunting-ground.

Five miles from camp, Jim Beckworth shot a wild mallard. He roasted it over a fire and continued on his way, his eyes on the skyline for game and for the appearance of a redskin. So far no signal fires had sent smoke into the blue Nebraska sky. The flesh of the mallard, although poorly cooked, was sending strength into him. That evening he slept in the willows of a small creek. Next morning he was awakened by a disturbance down the stream.

Fearing Indians, he crept through the willows, holding his rifle. But instead of an Indian, an animal—a lone animal—drank from the stream. Jim Beckworth slowly raised his rifle, found the sights, and shot. The animal fell and lay still, its blood coloring the creek water.

Hurriedly the young man built his signal fire. Some hours later, a man appeared on the horizon, the forerunner of the rest of the party. "What'd you shoot, Jim?"

"I think it's a buffalo."

"You think? Hey, h'ain't you seen a buffalo, fella?" The grizzled trailsman looked at the brute. "Yep, that's a buffalo, sure as hell. Must've been a lone one the Injuns missed. But I sure figgered you knowed a buffalo when you see one!"

"I'll probably see more of them," Jim Beckworth grinned.

AND the lanky youth was correct. He saw buffalo: thousands of them. And they furnished him with

meat and hides for years. For Jim Beckworth did not return to St. Louis until he was an old man. He was a trailblazer from then on: a man of the trap-line, of the mountain pines.

Years later he was heading a party of trappers into the high Rockies. Two Spaniards, new to that section, were in his group. These two came to a trapper's cabin, where a trapper's wife was alone—they molested her. Jim Beckworth and his party heard of the outrage.

The code of the trapper and plainsman was an honest code, but a strict one. A woman was to be respected and treated with great courtesy, regardless of her social rank. These two Spaniards had broken one of its strictest tenets, and they would have to pay for their crime.

Hurriedly the trappers threw up a makeshift court. Jim Beckworth sat as judge. Both sides of the case—the woman's and the Spaniards'—were presented. A jury consisting of trappers found the pair guilty and left it to Beckworth to affix sentence. Jim Beckworth looked at the woman.

"What do you say, madam?"

She was a simple, kind-hearted woman. "They are new to this country, Mr. Beckworth. But they—" She broke down crying.

Jim Beckworth spoke to the two frightened men. "Stand up," he said. They did. "You have your choice of either being hung by the neck or gettin' one hundred lashes across your backs. Which do you take?"

The Spaniards, of course, took the lashes. These were administered by two hearty trappers with hickory limbs. The backs of the two were in a pounded, bleeding condition when the hundred lashes had been given. That night the two stole two horses and headed out of camp, presumably returning to New Mexico, at that time a territory of Mexico with a territorial capital at Santa Fe.

"They'll never bother any other innocent woman," murmured Jim Beckworth.

THIS episode occurred in 1822. By that time William Becknell had opened up the long dangerous Santa Fe trail. Conestoga wagons were moving across Kansas and into Colorado, there to turn southwest at Bent's Fort for the trip over Raton Pass into Santa Fe. Jim Beckworth went south to pilot wagons across the plains.

Unknowingly, he became one of the famous buckskin pioneers—men in buckskin who unconsciously, perhaps, did so much to settle the West for the softer crew of men and women who were to follow and turn it into a great empire of cattle and wheat and grain. He became known from the Sweetgrass Hills of Montana to the deserts of Sonora.

He and Jim Bridger trapped together a number of years. He knew Kit Carson, John Coulter—he met with the trappers on the Green River Rendezvous where the buckskin men traded their plews for supplies and gold to the buyers of the Hudson Bay company, the Northwest Fur company, and the other great fur houses who bought pelts or sent trappers into the Rockies, the Tetons and the Highwoods.

He spent much of his time with the Crow Indians. Some histories record him as "The Crow Chief." An active man, he was of medium height, and he was powerful and quick, a tough man in a fight with a musket, a knife or a war-hatchet. For some years he also made his headquarters at Fort Laramie.

Here he traded for furs from trappers. At this time, most of the traders were notorious for their crookedness in dealings with trappers. Those they could get drunk, they filled with cheap rot-gut whiskey and, while they were intoxicated, they ran sharp deals with them, many times getting their entire winter catches for a few bottles of whiskey. But they were always sure to give the trapper a winter supply of grub so that he could go trapping again.

BUT Jim Beckworth, was known as one of the honest traders at that time. Although he was tough, he

was honest and considerate. That was why the Indians and whites alike admired him and respected him. But no man could take undue privileges with him because of his generosity and seemingly gentleness. For if things went wrong, then Jim Beckworth's eyes flashed and he started to fight with whatever was at hand. And when he fought, he almost invariably won.

He spent some time at Bent's Fort, too. He had one great joy in life: that was to tell a "tall tale." Word went up and down the Santa Fe Trail that Jim Beckworth was at Bent's Fort and, when the wagon trains came in, newcomers would get some old trapper to get Jim Beckworth started. Then they would sit around and listen to the two old trappers tell "windies" and Jim Beckworth, always appreciative of an audience, many times really "unwound" and stretched fact into wild fantasy, to the delight and laughs of his audience.

Both races—Indian and White—admired him and respected him. And when he went to his Last Reward, when he rode his spotted pony over the last High Ridge, there was mourning in the lodges along the Powder, the Green River, and the Canadian. And many a grizzled trapper, on hearing of his old friend's passing, stood in some frontier fort, his battered hat over his heart as he muttered a short prayer for the man who rode in the Shadow Land.

THE WINDMILL

Because rainfall is so scant on the plains, running water is very scarce. Rivers and springs are few, and far between. Thousands and thousands of acres of ground lying back from the streams have very little water, although in recent years several large dams have been constructed.

After the invention of barbed wire, the farmers went to the plains. They fenced up the range, and inclosed fences around the waterholes. This started trouble. Cattlemen hated barbed wire, they held it responsible for the winter loss of many head of cattle.

So when the "nesters" (the cattleman's name for the farmer) came in with their barbed wire and paper written laws about homesteading, it made the cattleman angry, started many a bloody range war. The cattleman had been the first settler on the land. He had fought off the raiding bands of Indians and rustlers, had hewn out of the wilderness a home, a decent place in which to live. Naturally the pioneer cattleman could not be blamed, he thought the rangeland belonged to him.

Although it took quite some time, the cattleman and the farmer found out that they could be of assistance to each other.

Around this time, the year 1870, well drilling machinery was developed. With this the ranchers and the farmers could drill several hundred feet to find water. There was an abundance of water underground, but it could not be reached by the old-fashioned hand drill.

With the invention of better well digging equipment the people of the plains had to find some way to bring the water to the surface of the ground. To do this the windmill was adapted and improved. It was first used to supply water for the early Western railroad, but soon a windmill was seen on nearly every prosperous cattleman's spread. The windmill was valuable because it pumped water when the wind was blowing, and the wind blows about all the time on the plains.

The invention of barbed wire and the windmill enabled the farmers to establish their homes on the Great Plains and live there. Thus, the old-time cattleman gave way to the farmer-cattleman of today, with their much improved method of stock raising, as well as farming.

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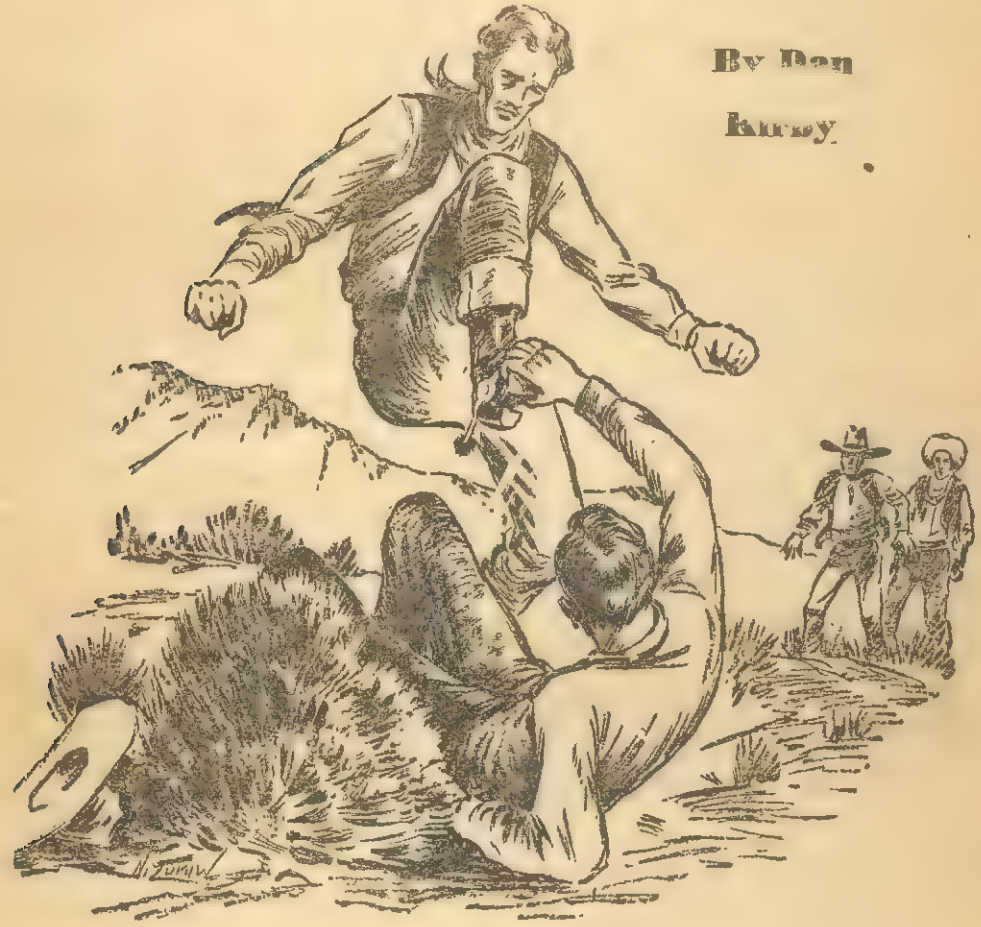

"You're supposed to be a fighting man, McCumber. You still wear the uniform of one. Maybe if you tried helping yourself, you would not need the help of others."

THE sun was at high noon when the horseman reached Red Oak. He was a stocky, heavy shouldered man, red of face and covered with the thin, white dust of the trail. He wore a threadbare gray uniform of the Confederate Army, and on his sleeves were a sergeant's chevrons.

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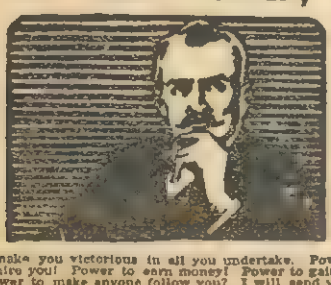

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the big, black gelding drank, the man stuffed tobacco into the charred bowl of a pipe. His eyes swept the street, recalling to memory the paintless, sun-bleached buildings and drowsy sense of security. Red Oak was not a pretty town, but it was home. The word "home" formed on the sergeant's tongue and he rolled it over slowly relishing the sound of it.

Dismounting, he led the black to the shade of the wooden awning projecting from the roof of Wilson's General Store. It was a new store and the name was not familiar. A few men, whom he did not recognize, stared at him with idle curiosity and then resumed their nap in the building's shade. The sergeant wondered with a touch of bitterness if his greeting might not have been different had the Confederate gray been the victor's uniform. He shrugged, and made his way inside. It made no difference; he was home and that was all that mattered now.

There were two persons behind the long counter of the store. One of them was a little, dried-up man with snow white hair. The other was a girl. She was young, about nineteen the sergeant judged, and there was grace and strength in her slim, boyish figure. She smiled and the sergeant was suddenly conscious of his rough, unkept appearance. He doffed his cap and advanced to the counter, ordering tobacco and matches from the old man.

The oldster eyed him suspiciously. "You got money?" he asked, and added emphatically. "Not Confederate paper."

"Pa!" the girl said sharply, "Pa, mind your manners."

The sergeant flushed and fished a coin from his pocket. "Tobacco and matches," he repeated shortly. "I can pay for what I order."

The girl advanced toward him and the sergeant saw that she had soft hazel eyes and hair the color of a bright copper kettle. She said, "Don't mind Pa, soldier. There's been so many of Lee's men difting in and Pa's been stung a time or two."

The old man grunted and slapped the tobacco and matches on the coun-

ter. "Texas is swarmin' with footloose Confederate soldiers," he said waspishly. "They got no money and ain't particular about makin' any. They're a drag on the land."

"Pa," the girl said firmly, "you hush that talk."

THE sergeant laughed but there was a tinge of bitterness in the sound. "It's all right, Miss. Maybe it's like he says, but we rebels aren't all like that." He pocketed his purchase. "I wonder would you know a gent by the name of Bill Wadlow?"

The old man nodded. "He owns the Pot Hook spread," he said. "Fact is, he oughta' be ridin' into town before dark. Bill always comes in of a Friday for groceries." He studied a moment, then added, "If it's a job uyh're wantin', soldier, Wes Raider is the gent to see."

"Raider?" the soldier repeated vaguely. "I never heard mention of a Wes Raider in these parts. Must be a newcomer."

"Kansas man," the oldster said. "Drifted in with a bunch of men soon as the war was over. Claims he rode with Morgan and looks it, too. He's taken over the old McCumber spread on the Barren Fork range."

The sergeant's face drained of color. "Would yuh give me that last again?"

The oldster eyed him queerly. "I said Raider took over the old McCumber spread. Whatsa matter with yuh, young feller?"

The sergeant moved stiffly toward the door. "It's the first I'd heard of it," he said. "I'm John McCumber."

He mounted the black gelding and rode him down the street to the livery, unaware that the girl had followed him to the door and was staring after him. The old man's words were still beating against his weary brain, and he knew with cold certainty that they were true. Someone, Wes Raider, the old man had said, had taken over the McCumber ranch. His ranch. A slow burning anger welled up inside him. He wondered why Bill Wadlow and the other ranchers who were his friends had not prevented this.

(Continued On Page 96)

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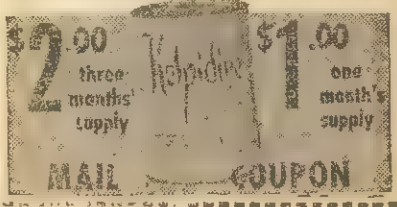

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(Continued From Page 95)

He rode the black into the old, tumbledown barn and rubbed him down with a handful of hay. The thing to do, he decided, was to wait here for Bill Wadlow and get the whole story before he tried to form a plan of action. In the meantime he would visit Henry Lamon, the banker. Lamon had been friendly to him before he went away and could give him what facts he had.

He hurried from the barn and made his way down the high board walk toward the bank. The thought kept eating at his mind that this would never have happened if Bill Wadlow and the other cowmen had kept their promise to watch his spread while he was away fighting the Yankee.

He walked into the cool darkness of the bank and stood there a moment, blinking the sun glare from his eyes. Then he nodded at Ed Jones, the teller, and started back to the door marked private behind which Henry Lamon carried on the business of the bank.

There were two men in the little room when McCumber walked in. One of them was gray-haired, pompous Henry Lamon, and the other a tall, gray-eyed man whom McCumber did not know. A look of irritation swept over the banker's pink face at McCumber's intrusion, and the tall man swung off the edge of the desk where he'd been sitting, a frown darkening his lean face.

The banker half rose from his cushioned chair. "Wait outside, sir," he said abruptly. "I'm busy now."

McCumber stood there awkwardly. His hand rubbed the tough blonde stubble on his face, and it came to him that his friend, Henry Lamon, did not recognize him. The last two years had been hard on him. He said, "I'm John McCumber, Mr. Lamon. I just got back."

THE irritated look froze on the banker's face and slowly faded. "McCumber," he said. Then the smile came back to his lips and he came out from behind the desk, but his handclasp was limber and moist. McCumber caught the sharp look the banker threw the tall man and saw a

wary look spring into the tall man's eyes.

"I didn't aim to interrupt your business, Mr. Lamon," McCumber said, "I just rode in and stopped off at the new general store. I heard talk there that bothers me and I figured you could give me some details."

The tall man reached for the makings and rolled a cigarette thoughtfully. He lighted it and looked at McCumber through a cloud of smoke. "Old Caleb Wilson talks too dam, much," he said easily. "If his gal, Lela, wasn't around to call him down he'd talk himself into a grave some day."

The banker flushed and his hands moved nervously. "You got to expect some changes around here, John," there was a hedging note in the banker's voice. "The war's been over nearly a year and most folks had about given you up for dead. You've been a long time getting home, man."

McCumber sensed that the banker was trying to break some bad news gently and he wished the man would speak straight and get it over with. "Old man Wilson said a gent by the name of Wes Raider had taken over my MC spread on the Barren Fork," he said bluntly.

The banker did not speak. He was looking at the tall man and McCumber thought he saw fear in the pale blue eyes. A smile jerked the tall man's lips into a crooked line and he said, "I'll tell him."

He swung around to face McCumber, a hostile, challenging look tightening his lean, hard face. "I'm Wes Raider," he said coolly. "I came here right after the war. I looked for a piece of grazing land to start a ranch and I found the Barren Fork Range. I heard it talked around that you were claiming that range, but I found out you didn't have legal title to it. You just took it over and used it for your own. You left it and that threw it open again. I moved in; I aim to stay."

For a moment the man's words shocked McCumber so that he could not move nor think. Then a sudden savage anger seized him and he leaped for the man, Raider. His sole

(Continued On Page 98)

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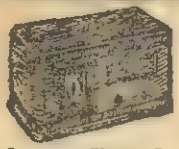

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(Continued From Page 97)

desire being to smash his fist in the leering face of the Kansas Yankee.

Raider stepped back quickly and his hand stabbed to the gun at his side. "Don't make me kill you, McCumber," he said coldly.

McCumber looked at the heavy gun in the man's hand and his eyes swung to the banker. "Mr. Lamon," he said tightly, "You can tell this gent that I didn't aim to abandon my ranch when I pulled out for the war. You know I told Bill Wadlow and the boys to watch it for me because I was aimin' to come back if I could sit in the saddle."

The banker's eyes narrowed and he spread his hands in a gesture of helplessness. "What you intended to do and what you did are two different things, McCumber. I think Raider here is right and I guess Wadlow felt the same way because he didn't try to stop Wes from taking over. After all, McCumber, you had no legal claim on that range."

MCUMBER'S big hands closed tightly. "I was there first. That's all the claim an honest cattleman needs. Besides, I left nearly five hundred head of cattle on that range. What about the cattle?"

Wes Raider laughed shortly. "Cattle left to run wild can disappear fast, McCumber. Now if I was you and wanting to make a fresh start, I'd head for Montana. That's the coming cattle country, friend."

Henry Lamon nodded, relief showing his worried eyes. "That's right, John. You ought to go to Montana."

McCumber fought down the wild fury that choked up inside of him. "When I was in Virginia," he said thickly, "I swore that if I ever got back to Texas and my friends, nothing on earth could drive me away again. But I didn't know how snake low my friends were then."

The walls of the tiny room seemed to suddenly close in oppressively upon him and the leering face of Wes Raider and the pink cunning face of the banker blurred and ran together. He did not remember walking out of the bank, but when the warm clean air of the outdoors

fanned his cheek he sucked it in gratefully.

McCumber moved toward the livery stable like a man stricken. There was an empty, burned out feeling inside him and the sharp, insatiable urge to get home that had been like a spur clawing his insides while he was on the trail was now gone. It seemed to him that Red Oak was a strange and hostile town and the folks he'd called his friends were now his enemies.

Inside the big barn he led the black gelding from the stall and threw on the rigging. He could not fight Raider and his men single-handed and win. And even should he try, local feeling would run against him, making him an outcast, maybe an outlaw. He wondered why Henry Lamon, the banker, was siding with Raider. Most of all he wondered why his friend Bill Wadlow, one of the squarest men he'd ever known, had permitted Raider to take over the MC range without protest. He intended to find out.

He led the black into the street and was about to swing into the saddle when the sound of footsteps behind him caused him to turn. He saw Wes Raider and the banker marching toward him. An uneasy feeling gripped him and he let the reins fall to the ground.

Raider stopped a few feet in front of McCumber and his eyes roved arrogantly from the horse to the man beside it. "I see yo're takin' good advice and gittin' " he said. He drew a small canvas bag from his pocket. "Henry here don't think it fittin' that we should send yuh off broke." He weighed the bag carefully in his palm and offered it to McCumber. "Here's a hundred dollars. If yuh're careful it'll take you and the horse to Montana."

McCumber's face reddened and again the burning desire to smash his fist into Raider's mocking face swept like a prairie fire inside him. "Keep your money, cow thief," he said hotly, "I ain't at all sure I'll like Montana."

He wasn't prepared for what followed. Raider took a sudden long

(Continued On Page 100)

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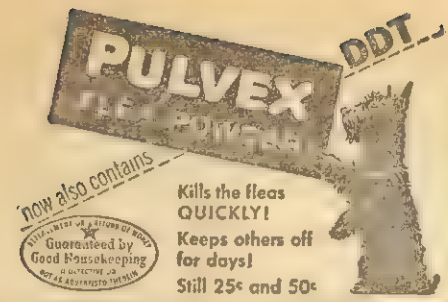

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(Continued From Page 99)

step forward and swung the money bag with all his force. The hard, silver filled bag caught McCumber high on the head and he lurched backward, bracing himself against the gelding's withers. Raider swung again, a cruel, deliberate blow, and McCumber saw the ground springing up dizzily to slap him in the face. He lay there stunned.

He heard Raider say, "That'll teach him that I won't stand for no trouble from a rebel saddle tramp," and he heard the banker's short laugh in response. Something thudded into his stomach and he knew it was the money bag. Then he heard the retreating footsteps of the men.

MCUMBER rose on an elbow and wiped the blood from his face that trickled down from the deep gash on his head. He was conscious of a small crowd gathering on the opposite side of the street and he knew that they were staring at him with the morbid curiosity that people have for sight of blood and violence. Pride forced him to his feet though he felt that he could not move. He stood there, gripping the horn of his saddle for support, and waiting for his head to clear.

It was while he was standing thus that he felt a hand laid gently on his shoulder and looked up to find the girl, Lela Wilson, beside him. She had witnessed the beating Raider had given him and he felt a sense of shame at his defeat. He saw himself as he felt she must see him. A beaten, war-worn rebel soldier, tramping back to the community that had spawned him. A drag on the land. He felt a weary, impatient urge to ride out of Red Oak.

The girl must have sensed his feelings for she said. "You are in no condition for riding, John McCumber. You had best come over to the store and let Pa fix your hurts."

He was about to refuse her curtly, when she added, "Your friend, Bill Wadlow, is at the store."

McCumber's lips flattened in a thin, bitter line. He stooped and picked up the money bag and stuffed it inside his shirt. Wadlow would be

no different than the banker, Henry Lamon. He would side Wes Raider as he must have sided him in the past, because it was the easy and safe thing to do. But he would like to face Bill Wadlow and hear the man's lame excuses with his own ears. He followed the girl across the street to the store.

Bill Wadlow was a small, wiry man with drooping mustache and brown leathery skin. He looked at McCumber and then looked away, an apologetic look on his face. "I saw Raider tangle with yuh," he said, "but there wasn't much I could do."

McCumber shook his head. "I reckon not," he said quietly. "It's a little late for help now isn't it, Bill?"

The girl looked at the two men queerly, then caught her father by the arm and started back toward the end of the store. "We'll get medicine and bandages," she said.

When they were alone, Wadlow walked up closer to McCumber and stood there in silence for a moment. "I guess you've heard the story?" he finally said.

McCumber nodded. "When I rode out of Texas to fight with Lee I figured that my friends would take care of what was mine until I could get back," he said, "but I guess that was too much to ask."

Wadlow's face colored and he studied the toes of his boots vacantly. "Raider and his men came in here awful sudden," he said, "He moved in on your range before me and the boys knew what was going on. We had a powwow with him, told him to git. The next day banker Lamon paid us a visit. He said you had no real claim on that range and if we was smart we'd keep hands off. He said if we played the cards right we'd all make money. Raider had connections in Chicago and they're crying for Texas cattle up there. Raider was going to make a drive when he got a herd built up and we could throw our cattle in with his. Lamon was going to back Raider with what money he needed."

McCumber's eyes grew bleak. "So you and the boys strung along with Raider," he said flatly.

(Continued On Page 102)

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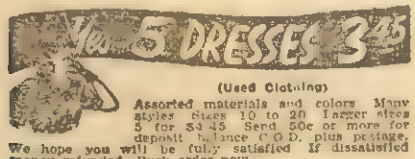

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(Continued From Page 101)

The rancher nodded. "What else could we do? Lamon had our herds under mortgage and there sure ain't no market for cattle in Texas. We couldn't finance a trail drive on our own. If we'd have bucked Raider we wouldn't have lasted no time until Lamon wiped us out. Besides, Raider's got some tough hombres ridin' for him. It would have meant a range war to fight him and he has us outmanned and out-gunned."

LELA WILSON came up with the medicine and bandages. She bathed the wound on McCumber's head and bandaged it gently. McCumber could feel her eyes upon him, but he did not try to meet them for fear that he would see pity there. She said, "I heard Wes Raider order you to ride on to Montana."

McCumber nodded and looked at Wadlow standing near the door. "Bill thinks maybe I ought to do it," he said softly.

Bill Wadlow swore quietly and walked out the door without looking back, McCumber's bitter smile following him.

"Bill Wadlow has talked to Pa about Wes Raider taking over your ranch." Lela Wilson said, "I've heard him talk it a dozen times since Raider moved in. He wanted to help you, but he has a wife and three children and he said he could not take the chance. But he is not a happy man."

McCumber shrugged. "He did the smart thing I reckon. He'll get along." He turned and started toward the door. "I'm obliged to you, miss." he said.

"What are your plans?" she asked.

"Montana, I guess," he replied gravely.

Her brows drew down and McCumber was surprised and a little angry at the note of scorn in her voice. "You're supposed to be a fighting man," she said. "You still wear the uniform of one. Maybe if you tried helping yourself you would not need the help of others."

"Mam," he said shortly, "I'm one man. Raider has a dozen."

He left the store then and walked across the street to the gelding. From

(Continued On Page 104)

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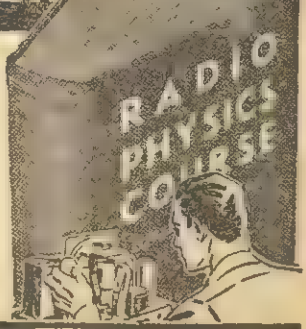

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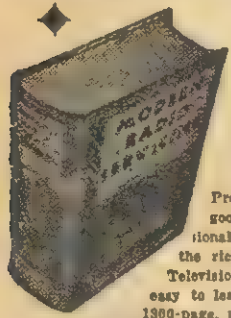

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(Continued From Page 102)

the corner of his eye he saw Lela Wilson still watching him and he felt resentment at her interest. He rubbed the gelding's muzzle and swung into the saddle. "Man and beast," he said, "there isn't a good ride left in us." He pulled the black around and took the trail north out of town.

He travelled slowly and darkness caught him a bare ten miles from town. He stripped the bridle and saddle from the horse and let him graze, knowing he would not stray far. Then he spread the blankets on the ground and stretched his weary body upon them. But tired though he was sleep did not come to him.

He tried to picture a new life in Montana but when he closed his eyes to dwell upon it, the Barren Fork range would crowd back into his memory and he would see the scorn in Lela Wilson's eyes.

He tried reasoning with himself, pointing out that he had no ties in Red Oak now. His ranch was lost to Raider. His friends had gone back on him. But even as he was thinking these things, the old nostalgia gripped him and he swore softly, throwing the blankets from him.

He whistled softly and the black came to him quietly, nosing against him. McCumber found the saddle and threw it on, fumbling with the straps in the dark. He slipped the bridle on and swung back into the saddle. There was a tense, grim quality to his movements and the black sensed the change. The horse danced nervously, his ears erect and forward, catching the soft night sounds. McCumber spoke to him soothingly, and cut off from the trail, heading east and a little south toward the Barren Fork range and his MC rnch.

THE morning sun was warm when he crossed the small, slow-moving creek that marked the beginning of what once had been his range. Topping a small rise he stopped the black. There was a hungry look in his eyes as he took in the rolling grass land that stretched before him like a giant carpet. Then the thought of Wes Raider forced itself upon him and the lines around his mouth

grew harsh and bitter. He untied a small leather bag from a thong on his saddle and took out a worn pistol. Carefully he checked the loads and tried the action, then he stuffed the gun in his waistband and rode on.

Suddenly, behind him, he heard a crashing noise and turned to see an old roan cow charging out of a mesquite thicket with a bawling half grown calf at her heels. As the cow flashed by, McCumber caught a glimpse of the big MC brand burned into her hip. The sight of his own brand set a queer tingling feeling flowing through him. He turned the gelding after the calf which he had noticed was not branded. He would begin now to claim what was rightfully his own.

Minutes later found him squatting over a small fire. He had fashioned a running iron from an old cinch ring and a green mesquite limb, and the calf lay on its side, feet tied and eyes rolling wildly. McCumber drew the smoking ring from the embers and was kneeling over the animal when he first heard the sound of horses behind him.

He turned quickly, dropping the iron and reaching for his gun. But he was too slow. The harsh, angry face of Wes Raider was staring at him and Raider held a gun lined on his stomach. Behind the Kansas man were a dozen rough-looking riders. McCumber wiped his hands against his thighs and got slowly to his feet.

Raider swung from the saddle and advanced on McCumber with angry, stiff legged strides. He looked at the calf and then at McCumber and a thin, mirthless smile pulled at his mouth. He turned to the men behind him. "One of you men take that lass rope off the calf," he ordered. "We'll use it to hang this gent with." His eyes swung back to McCumber. "First time I ever hung a rustler with his own lass rope," he grinned coldly.

A cold, heavy lump formed in McCumber's stomach. "You can't hang a man for claiming what is his," he said.

"Can't we?" Raider grinned nastily. He jabbed the gun barrel into McCumber's stomach. "Get on yore

(Continued On Page 106)

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(Continued From Page 105)

horse, saddle bum. There's a cottonwood down by the creek. It's got a hanging limb on it."

McCumber's eyes switched to the men behind Raider but they regarded him stonily, and he knew that these men would show him no mercy. Raider reached out and lifted the gun from his waistband. "Git movin'," the Kansan ordered. "It's a short ride."

McCumber took a shuffling half step toward his horse so that when he stopped he was almost at Raider's side. "Raider," he said, and there quiet desperation in his voice, "You may kill me but you ain't goin' to hang me. Hangin' is for rustlers and I'm thinkin' that rope would fit your neck better'n mine."

EVEN before he had finished speaking his muscles had tensed and exploded into action. His hand slapped down hard against Raider's wrist and the man's gun fell to the ground and at the same time McCumber bowed his neck and charged. His head caught the tall rancher square in the chest and bowled him over, McCumber falling hard on top of him.

Raider tried to kick himself free but McCumber clung to him, arms pounding like pistons. Any minute now one of Raider's men would step in close and pull the trigger on the bullet that would mean trail's end for John McCumber. He knew that but it did not seem to matter. His fists were finding Raider's face and a savage joy swelled up inside of him. He would leave his mark on Raider before they got him.

Suddenly Raider twisted and a boot caught McCumber in the stomach winding him and sending him sprawling backward. Raider's men would have an open shot now. McCumber tensed himself for the impact of the bullet.

A gun barked close by but there was no numbing shock of lead. McCumber got painfully to his feet, sucking air into his starved lungs. He saw a Raider man bent over in a painful position and nursing a bloody shoulder. And he saw a small, wiry man with a flowing mustache setting

(Continued On Page 108)

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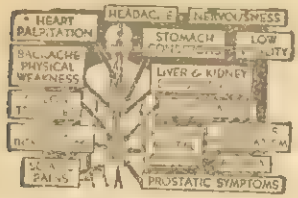

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(Continued From Page 106)

coolly on the back of a roan horse, with a smoking gun in his hand.

"Wadlow!" McCumber gasped.

Bill Wadlow grinned. "The same," he said, and pointed the gun casually so that it seemed to cover all of Raider's men without bearing on any of them in particular.

McCumber shook his head like a man in a dream. "Yesterday I could tell you was plumb cold on helpin' me fight Raider. What made you change yore mind?"

Wadlow's grin stretched. "Lela Wilson is a mighty persuasive gal. She collared me right after you left and when she got through talkin' I felt like somethin' lower'n a snake's belly. Then she got hold of the wife and gave her the story. The old lady was so mad I thought she was goin' to leave me. She had thought all along that the bank had foreclosed you out while you was gone and that Raider had bought your spread from the bank. I told her that myself when Raider took over."

Wes Raider stepped up angrily and seized the reins of Wadlow's bridle. "You must be loco," he growled. "You can't take McCumber out of here. How you think you'll handle all my men by yourself?"

Wadlow grinned crookedly. "Don't aim to, Raider," he jerked a thumb over his shoulder. "I brought help along."

McCumber's eyes swung to the steep rise of ground behind Wadlow and he saw four riders had appeared there. They were skylined against the sun and he could catch the flicker of light flashing from the barrels of their rifles. Those riders could empty several saddles before Raider's men could get in close enough to fight back with their pistols.

Raider's face screwed up in a mask of rage. "You're bein' a fool, Wadlow," he said, "You got nothin' to gain by sidin' McCumber. What do yuh think Lamon will say about this?"

WADLOW squirted tobacco juice out of the corner of his mouth and shifted the cud against his jaw. "I had it out with Lamon,"

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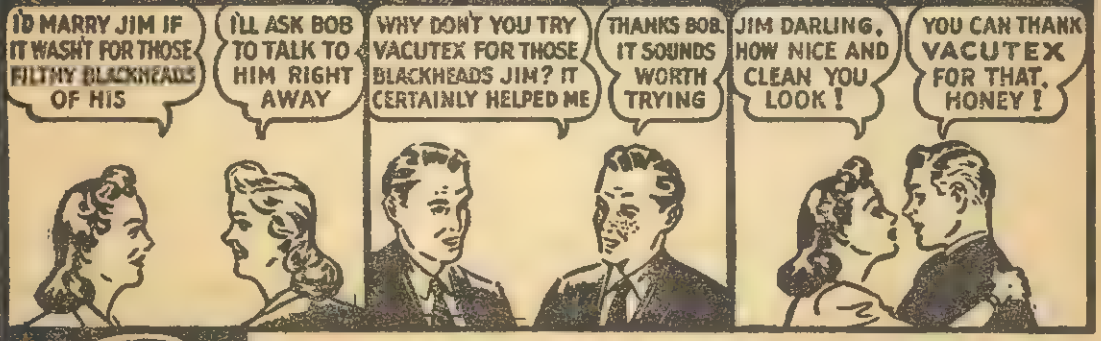
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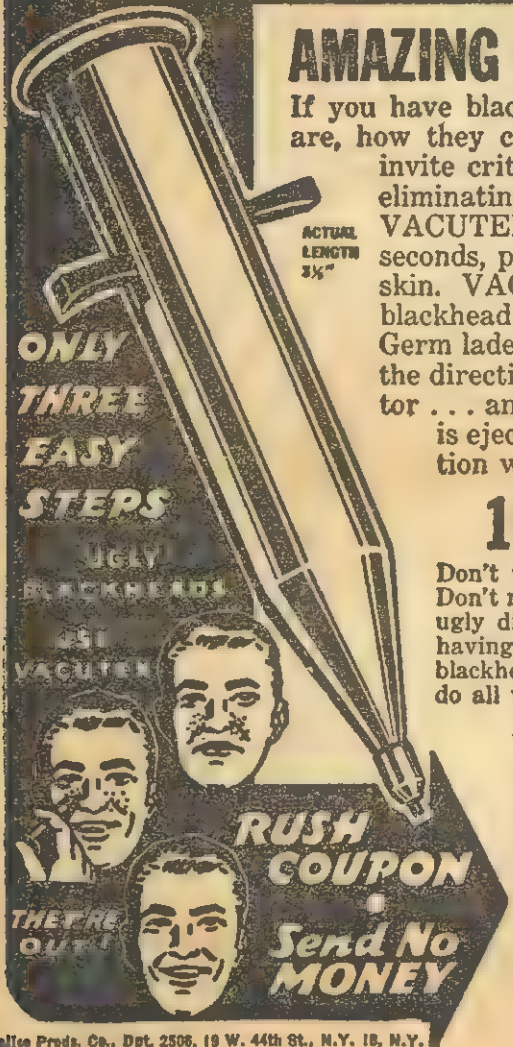

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he said, "He was plumb cantankerous at first, but when one of my boys offered to hold up his bank to get money for me to pay off my loan he reconsidered. I reckon he'll just watch and wait to see how this quarrel between you and McCumber comes out."

McCumber turned on Raider. "We can turn this into a range war if we want to, Raider," he said quietly, "but there'll be men killed on both sides. There's another way if you've got the guts to do it."

Raider looked at his men and they shifted uneasily in their saddles. "What yuh drivin' at, McCumber?"

"We can settle this personally," McCumber answered, "I claim this range and at least what cattle I had when I left. I reckon you've got a sizable herd besides my five hundred head. You can take your stock and move on, or I'll fight you, winner take all."

Raider scowled. "I ain't fool enough to take a bet like that. I got yuh outnumbered three to one. You ain't got a chance of drivin' me off this range."

"I ain't so sure, Wes," a tall, bearded man spoke up. "Me, I like the way the soldier talks. You ain't been payin' fightin' wages, and besides I'm not hankerin' for trouble. Looks like it's yore fight anyway."

A worried look shadowed Raider's pale eyes. "If I split up the stock and moved on I wouldn't have no place to light. I ain't money enough to go far with a herd."

"I'll fight yuh, winner take all," McCumber repeated soberly.

A crafty look floated across Raider's lean face. "I ain't no gunman," he hedged.

McCumber smiled scornfully. "All right then, we'll settle it with fists, but the loser rides out of the country."

Raider's eyes narrowed cunningly. It was a good bet. He had the weight and reach on the Texas man and he was in better condition. "Fair enough," he snapped, "only you won't be in no condition to ride when I'm through with yuh." He rushed at McCumber, his long arms swinging.

The suddenness of the man's rush caught McCumber off balance. A savage blow crashed against his temple and he fell hard. Rider jumped high, drawing his boots under him, and McCumber saw the spurs flashing down upon him. He rolled toward the tall rancher and caught the toe of the man's boot with a hand and jerked hard. Raider fell heavily. Both men jumped quickly to their feet, eyeing each other warily.

Again Raider rushed in. McCumber saw the arrogant, triumphant look on the Kansan's face. He braced himself and waited. Raider's fist lashed out and McCumber stepped in coolly, taking the blow on top of his head. Sudden nausea swept over him and he felt the bandage ripped from the old wound on his head. He backed away, wiping at the blood that trickled down his forehead and into his eyes. Raider moved in close, a sneering grin on his thin lips. A short, savage flurry of blows pounded McCumber's face and middle.

RAIDER laughed, a harsh, contemptuous laugh and his long arms lashed out again finding McCumber's bloody face. It seemed to McCumber that he had been fighting for an eternity.

From somewhere in the distance McCumber heard a man say "This is it," and through the red mist that clouded his eyes he could see Raider rushing at him, fist drawn back and face contorted with the killer lust that shone from his pale, agate eyes. McCumber braced himself and raised a hand to ward off the blow, but something smashed against his jaw and felt himself falling.

The loud, triumphant yells of Raider's men jerked him back to consciousness. He rolled over and pushed himself to his knees. He wondered why Raider was not moving in to give him the boots and his eyes sought out the Kansas man. Raider was standing a few feet away, arms down and mouth sucking in air in great gasping noises. He shuffled in slowly toward McCumber as if he knew that McCumber was helpless and there was plenty of time.

(Continued On Page 112)

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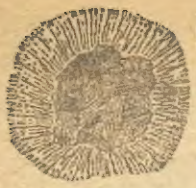

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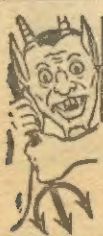

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(Continued From Page 111)

McCumber, his own face set in a grim, bloody mask of desperation commenced crawling, slowly, painfully toward the man, Raider. Raider stopped and something akin to fear appeared in his pale eyes. Then his foot swung bck and McCumber saw the boot slamming toward him. But there was no great pain in his side where the boot landed. He caught Raider around the legs and pulled himself up.

McCumber's muscles tensed and his fist swung in a short, powerful blow. A look of astonishment fixed itself on Raider's face as he went to his knees. Raider climbed unsteadily to his feet, mouthing oaths. He backed away and jabbed at McCumber with a weak left, but the Texas man slapped the blow away and again his fist swung in a short, savage arc. Rider's legs buckled and his arms fell limply. He swayed there like a great oak in a tempest. McCumber stepped in calmly and hit him again. Raider fell back on his hunches and stared dully at McCumber, making no effort to get up.

McCumber reached inside his shirt and drew out the canvas money bag. He weighed it in his hand, then tossed it at the feet of the beaten man. "It'll take you and your horse to Montana if you're careful," he said.

It was hours later on the trail to Red Oak that a queer thought struck McCumber and he turned to the horseman beside him. "Bill," he said puzzledly, "I don't figure why Lela Wilson talked you into helpin' me fight Raider, when I told her I was pullin' out."

Bill Wadlow's leathery face wreathed in a grin. "Aw, shucks, son, she could see through you plain as day. She said you didn't have the look of a man who'd run out on a fight. She figured you'd wind up on the Barren Fork range looking for Raider and a show down."

McCumber smiled. "I've got some business at the general store," he said, and touched the spurs to his mount.

(THE END)

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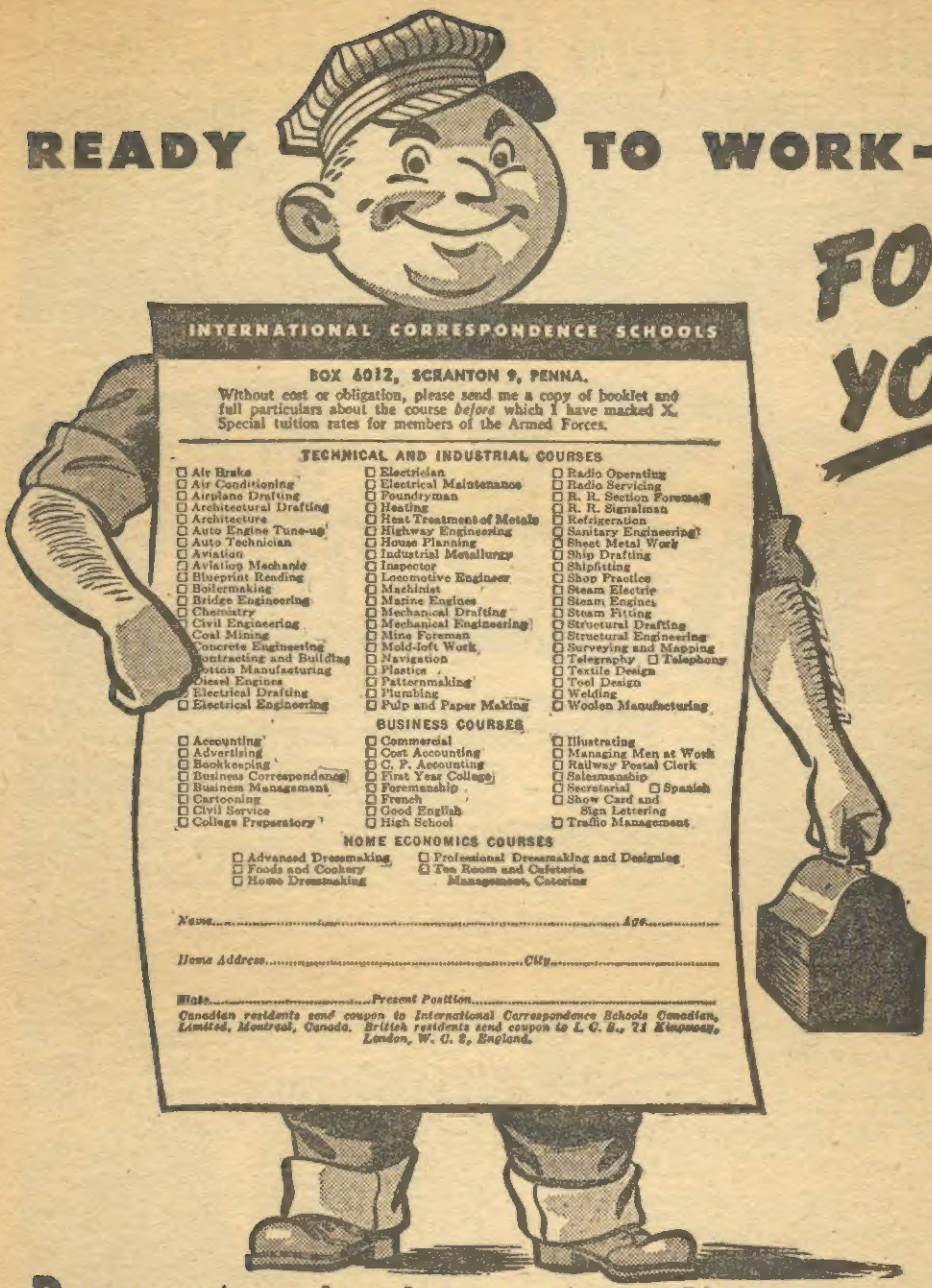

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